

U.S. Department of Justice

Civil Rights Division

*Disability Rights Section - NYA
950 Pennsylvania Ave, NW
Washington, DC 20530*

Contact if additional information is required:

Robin C. Deykes
Civil Rights Program Specialist
Disability Rights Section
Civil Rights Division
U.S. Department of Justice
(202) 307-1085
Robin.Deykes@crt.usdoj.gov

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U.S. Department of Justice
Civil Rights Division

Disability Rights Section - NYA
950 Pennsylvania Avenue, NW
Washington, DC 20530

Notice of Referral of Complaint for Appropriate Action

To: Mr. Rafael DeLeon,
Director, Office of Civil Rights
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Room 2450
Washington, D.C. 20460

FEB 04 2015

Jorge De Santiago, Jr.
1717 Coke Street
Laredo, TX 78040

From: Disability Rights Section, Civil Rights Division, U.S. Department of Justice

Reference: CTS# 502225; regarding City of Laredo, Laredo, TX; received by DOJ on
October 21, 2014

The Disability Rights Section has reviewed the enclosed complaint and determined that it raises issues that are more appropriately addressed by the U.S. Environmental Protection Agency. We, therefore, are referring this complaint to that agency for appropriate action. This letter serves to notify that agency and the complainant of this referral. The Disability Rights Section will take no further action on this matter.

To check the status of the complaint, or to submit additional information, the complainant may contact the referral agency at the address above or at the following telephone number(s):

(202) 564-7272

If the agency has any questions or concerns about this referral or believes that it raises issues outside the agency's jurisdiction, please do not hesitate to contact the Department of Justice at the address and phone number attached hereto

DJ# 204-74-0

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FEB 18 2015

McGowan-Bransome, Sharon (CRT)

From: b(6) Privacy
Sent: Tuesday, October 21, 2014 8:31 AM
To: Complaint, ADA (CRT)
Subject: b(6) Privacy
Attachments: Title II Complaint Form1.jpg; Title II Complaint Form2.jpg; Title II Complaint Form3.jpg; Title II Complaint Form4.jpg; Title II Complaint Form5.jpg; 10624910_1543130499251723_450495394216268467_n.jpg; 10291064_1542722195959220_3082239498313399187_n.jpg; 10670163_1542721635959276_2172548510018927569_n.jpg

Categories: Red Category

Complaint from b(6) Privacy thank you...

U.S. Department of Justice
Civil Rights Division
Disability Rights Section

OMB No. 1190-0009

**Title II of the Americans with Disabilities Act
Section 504 of the Rehabilitation Act of 1973
Discrimination Complaint Form**

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address on page 3.

Complainant: Ex. 6, 7cEx. 6, 7c

Address: Ex. 6, 7c

City, State and Zip Code: 78040, Texas, 78040

Telephone: Home: Ex. 6, 7c

Business:

Person Discriminated Against:
(if other than the complainant) Ex. 6, 7cEx. 6, 7c

Address: **Ex. 6, 7c**

City, State, and Zip Code: **Laredo, Texas, 78040**

Telephone: Home: **Ex. 6, 7c**

Business:

Government, or organization, or institution which you believe has discriminated:

Name: **Ex. 6, 7c**

Address: **Ex. 6, 7cEx. 6, 7cEx. 6, 7c**

County: **Webb**

City: **Laredo**

State and Zip Code: **Texas, 78040**

Telephone Number: **Ex. 6, 7c**

When did the discrimination occur? Date: **1999 all through 2014**

Describe the acts of discrimination providing the name(s) where possible of the individuals who discriminated (use space on page 3 if necessary)

since my family moved to Ex. 6, 7c in Laredo Tx. 78040 my parents built a house. They did the plumbing system and installed drain pipes all over the house 2 on one side and 2 on the other. I have been affected since I was 10 years old and I sleep in the front room that's next to the porch. There are 2 toilet pipes that sit besides my room and the one that follows back including the neighbors toilet outlet is three pipes release toilet fumes every penetrating all the front porch rooms and whole house. I have been affected since I am in the front room and they have taken away my right to live a healthy life. I suffered a lot through those years but the only way was to keep doing exercise. I recently started taking medication and this has caused me to lose breath and since I can no longer do exercise my health drops dramatically. I just want to say that it's an unfair way to live a life in the United States of America. It's really unfair to be quiet for so long...

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, or institution?

☒ No

What is the status of the grievance? I have called the City of Laredo and Webb County Sewer Office and when they came to the house to check they denied the problem with the neighbors making the city sewer problem in the corner street of Ex. 6, 7cEx. 6, 7cEx. 6, 7c. I have taken out an air permit for air condition repair and replaced the toilet outlet Air Admittance Valve which prevents the access of air to escape from the toilet pipes. I had to fix this problem by myself except for the neighbors who is also next to my room.

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court?

☒ No

Agency or Court: **Civil Rights Center/ TECQ Texas Commission Of Environmental Quality/ City Hall Sewer treatment**

Contact Person: **Steve Hagle, P.E. MC 122239-2104** City Hall: Administration Main Phone Number (956) 721-2000 (956) 721-2001

Address: **Address: 1110 Houston St, Laredo, TX 78040**

City, State, and Zip Code: **Laredo, Texas 78040**

Telephone Number: **Ex. 6, 7c**

Date Filed: **September. 14, 2014**

Do you intend to file with another agency or court?

Yes _____ No ☒

Agency or Court:

Address:

City, State and Zip Code:

Telephone Number:

Additional space for answers:

Ex. 6, 7c

Signature: _____

Date: 10/21/2014

Return to:

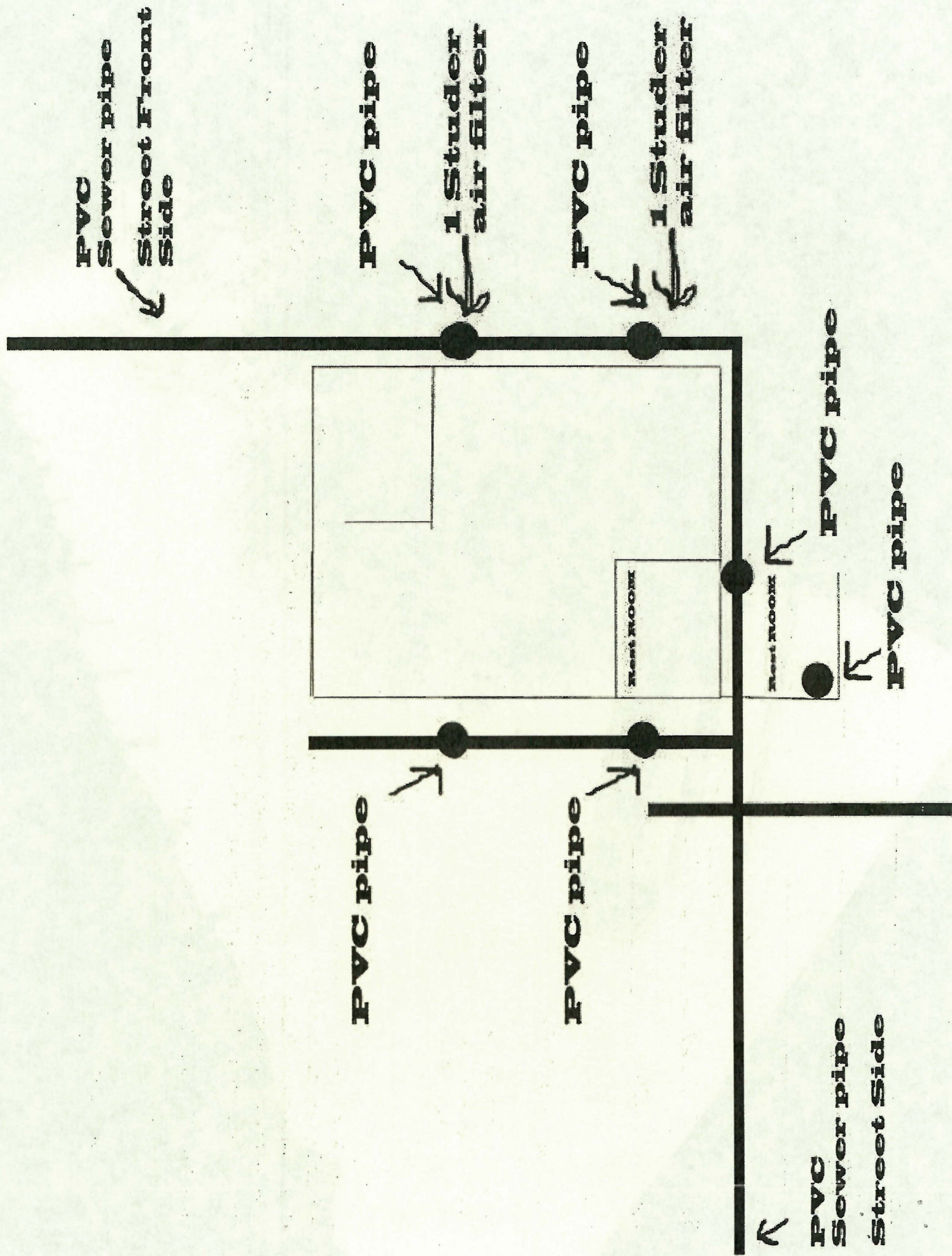
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights - NYAV
Washington, D.C. 20530

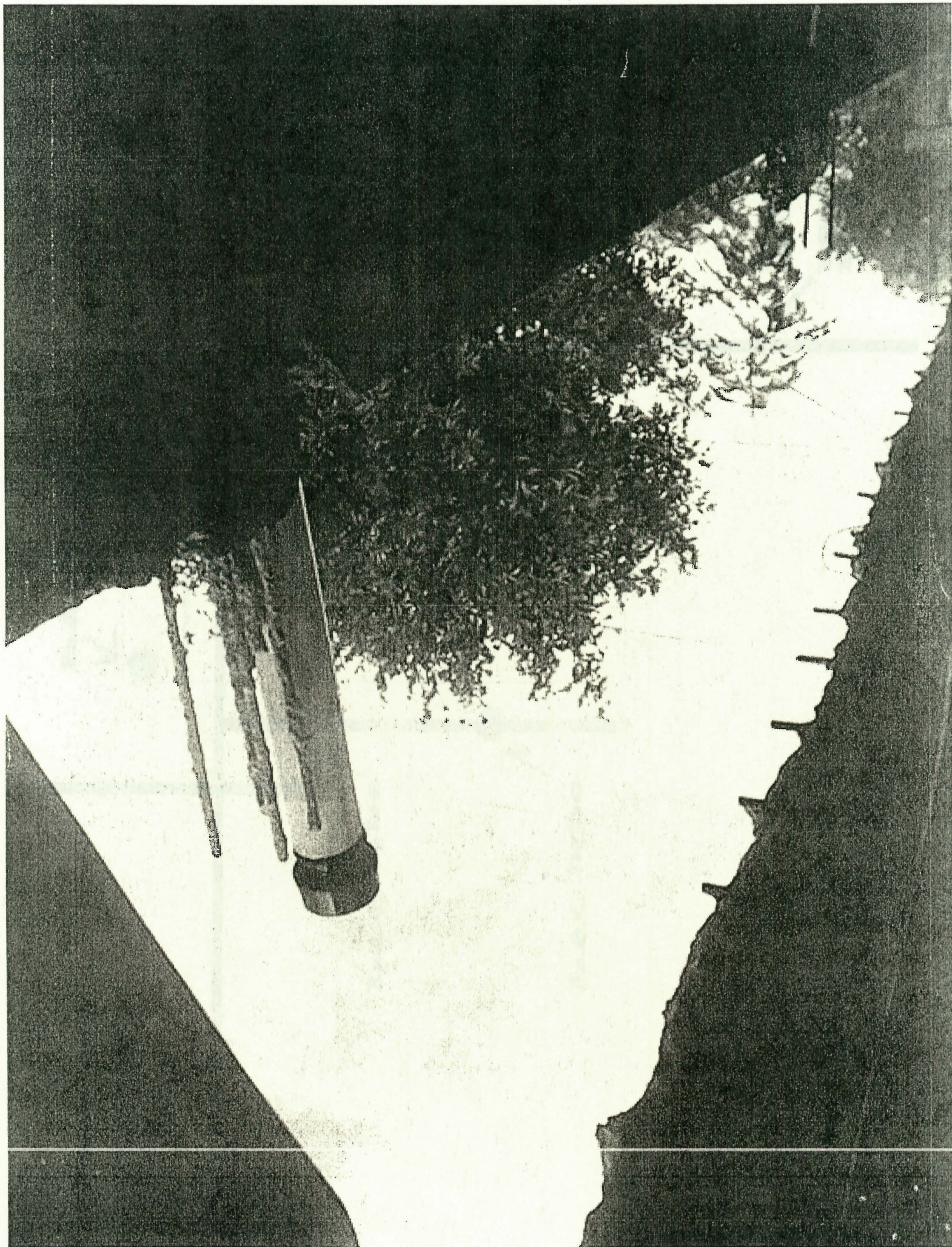
Paperwork Reduction Act Statement:

A federal agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Public burden for the collection of this information is estimated to average 45 minutes per response. Comments regarding this collection of information should be directed to the Department Clearance Officer, U.S. Department of Justice, Justice Management Division, Office of the Chief Information Officer, Policy and Planning Staff, Two Constitution Square, 145 North Street, N.E., Room 2E-508, Washington, D.C. 20530.

OMB No. 1190-0009. Expiration Date: May 31, 2015.

last updated May 7, 2012







STUDIOS
ULTRA
WIDE

1
2 El Pueblo Para El Aire y Agua
3 Limpia; Greenaction for Health and
Environmental Justice

**COMPLAINT UNDER TITLE VI OF
THE UNITED STATES CIVIL RIGHTS
ACT OF 1964**

4 Complainants,

5 v.

6 Department of Toxic Substances Control and
7 California Environmental Protection Agency

8 Respondents.

9
I. INTRODUCTION

10 This is a civil rights complaint by El Pueblo para el Aire y Agua Limpia (“El Pueblo”)
11 and Greenaction for Health and Environmental Justice (“Greenaction”), under Title VI of the
12 United States Civil Rights Act and its implementing regulations against the Department of
13 Toxic Substances Control and California Environmental Protection Agency (collectively
14 “DTSC/CalEPA”) for discriminating on the basis of race in approving the expansion of the
15 Chemical Waste Management Kettleman Hills Hazardous Waste Facility through use of
16 flawed, defective and racially discriminatory procedures, studies and permit processes.
17

18 Title VI prohibits recipients of federal financial assistance from discriminating on the
19 basis of race, color, or national origin in their programs or activities. 42 U.S.C. § 2000d –
20 2000d-7. Title VI has two major provisions, section 601, which has been held to require
21 discriminatory intent, and section 602, which has been interpreted to allow agencies to
22 promulgate regulations prohibiting agencies receiving federal funding from taking action that
23 have a discriminatory effect, regardless of intent. See 42 U.S.C. § 2000d - 2000d-1.

24 Under the authority of section 602, U.S. EPA’s implementing regulations for Title VI
25 prohibits agencies funded by U.S. EPA from actions that are either intentionally
26 discriminatory or that have discriminatory impacts. 40 C.F.R. Part 7. More specifically, a
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1 recipient of federal financial assistance “shall not use criteria or methods of administering its
2 program or activity which have the effect of subjecting individuals to discrimination” and
3 “shall not choose a site or location of a facility that has the purpose or effect of excluding
4 individuals from, denying them the benefits of, or subjecting them to discrimination.” 40
5 C.F.R. § 7.35 (b) & (c).

6 The DTSC/CalEPA’s decision on May 21, 2014 to approve the permit modification
7 for the hazardous waste dump expansion at the Kettleman Hills Facility (KHF) and its actions
8 on October 13, 2014 issuing the “California Environmental Quality Act Notice of
9 Determination,” the “Findings of Fact and Statement of Overriding Considerations,” and the
10 Order denying the Petitions for Review filed by El Pueblo and Greenaction have a prohibited
11 discriminatory, negative impact on a protected class of persons that DTSC/CalEPA in fact
12 acknowledges to be true. We attach and incorporate Greenaction and El Pueblo’s Petition for
13 Review, the DTSC Permit Decision including Statement of Overriding Considerations, and
14 declarations of residents into this complaint.

15 This complaint documents that DTSC/CalEPA’s actions have a prohibited disparate
16 impact on a protected class of persons. In addition, DTSC/CalEPA intentionally discriminated
17 against protected classes of persons by knowingly and intentionally using and relying on
18 Kings County’s studies and processes that were done and approved through the use of racially
19 discriminatory procedures and rules and police actions and intimidation of Latino and
20 Spanish-speaking residents.

21 DTSC/CalEPA receives federal funding from the United States Environmental
22 Protection Agency. DTSC is the permitting authority for hazardous waste landfills in
23 California. An operator cannot build a hazardous waste landfill or receive hazardous waste
24 without a RCRA hazardous waste permit, issued by DTSC. By approving the KHF
25 expansion, it is directly responsible for the facility’s impacts on nearby residents.

1 As acknowledged by permit documents including the Statement of Overriding
2 Considerations, the project will have significant, adverse, disproportionate and unavoidable
3 impacts.

4 The expansion would add up to 400 trucks transporting hazardous waste near or
5 through Kettleman City each day. The 400 diesel trucks will add to the significant air quality
6 burdens in the area and will exacerbate the high levels of asthma in Kettleman City.
7 Residents will be at greater risk of toxic exposures than other areas of the State due to routine
8 and accidental hazardous waste releases from the trucks or the disposal site. The close
9 proximity of the hazardous waste landfill and constant threat of routine and accidental toxic
10 releases negatively impacts residents' mental health and sense of safety and well-being. The
11 close proximity of the hazardous waste landfill and the presence of trucks constantly carrying
12 hazardous waste negatively impact property values in the town. The project's significant and
13 unavoidable air quality impacts impact nearby Latino and Spanish-speaking residents to a
14 greater degree than other populations.

15 According to the 2010 U.S. Census, Kettleman City is 96 percent Hispanic or Latino;
16 Kings County is 52 percent Hispanic or Latino; and California is 38 percent Hispanic or
17 Latino. Using this Census data, it is readily apparent that DTSC's approval of the KHF
18 expansion would have a disparate and prohibited impact based on race when compared to the
19 rest of the state.
20

21 In addition to the project approval's discriminatory impact, DTSC/CalEPA
22 *intentionally discriminated* against Latino and Spanish speaking residents by relying on Kings
23 County's Environmental Impact Reports and related documents that were adopted through the
24 systematic use of racially discriminatory methods and police intimidation that limited and
25 rendered meaningless their participation in the decision-making process. Most Kettleman
26 City residents' first language is Spanish, and a high percentage are monolingual Spanish
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1 speakers. In spite of Kettleman City residents' continued request and demand for documents
2 in Spanish, the County's entire process including hearings and the environmental review
3 documents were provided in an English-only format. EIR documents were adopted through
4 the use of these racially discriminatory procedures and by a large scale and intimidating
5 police presence including police dogs. DTSC/CalEPA's reliance on Kings County's
6 permitting process and environmental review documents is thus intentionally discriminatory
7 and had a clear discriminatory impact—two separate grounds for Title VI action.

8 DTSC/CalEPA approved the permits, and rejected Petitions for Review from El
9 Pueblo and Greenaction, despite significant flaws in the permit process and decision.

10 In addition, DTSC/CalEPA's issuance of the permit through the use of a Statement of
11 Overriding Consideration despite the agency's acknowledgement that the project would have
12 a significant negative impact on a class of people already highly at risk from pollution and
13 social vulnerabilities and who are protected under state and federal civil rights laws, is a
14 violation of these civil rights laws.

15 16 17 **II. TITLE VI OF THE UNITED STATES CIVIL RIGHTS ACT**

18 TVI of the United States Civil Rights Act of 1964 and its implementing regulations
19 prohibit discrimination on the basis of race, color or national origin under any program or
20 activity that is conducted, operated, or administered by the state or by any state agency, is
21 funded directly by the state, or receives any financial assistance from the state. Intentional
22 discrimination as well as discriminatory impact are both prohibited.

23 24 **III. COMPLAINANTS**

25 Complainant El Pueblo Para El Aire y Agua Limpia/People for Clean Air and Water
26 ("El Pueblo") is an unincorporated association of Kettleman City residents. El Pueblo's
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1 primary interest is in protecting the health of Kettleman City residents and in preserving and
2 enhancing the environment and promoting justice in Kettleman City and other similar
3 communities. El Pueblo was founded in 1987 by residents concerned about the impact of a
4 proposed hazardous waste incinerator on the community. Membership in the organization
5 mirrors the demographics of Kettleman City, which are predominantly Latino. El Pueblo and
6 its members submitted written and oral comments during DTSC/Cal EPA's permit process.

7 Complainant Greenaction for Health and Environmental Justice is an incorporated
8 non-profit organization based in Kettleman City and San Francisco, California. Kettleman
9 City residents were founding board members of Greenaction, one resident Ex. 6, 7cEx. 6, 7c
10 Ex. 6, 7cEx. 6, 7c , and many residents are members and supporters. Greenaction was
11 founded in 1997 by residents living in low income and working class communities, including
12 Kettleman City, impacted by pollution, health threats and environmental racism and injustice.

13 Complainants El Pueblo and Greenaction bring this Civil Rights Complaint on behalf
14 of their Latino and Spanish-speaking members and residents living in Kettleman City in
15 Kings County, California.
16

17 IV. RESPONDENTS

18 The Department of Toxic Substances Control (DTSC) is a department of the
19 California Environmental Protection Agency (Cal EPA). The mission of DTSC "is to protect
20 California's people and environment from harmful effects of toxic substances by restoring
21 contaminated resources, enforcing hazardous waste laws, reducing hazardous waste
22 generation, and encouraging the manufacture of chemically safer products."

23 Cal EPA's mission "is to restore, protect and enhance the environment, to ensure
24 public health, environmental quality and economic vitality." Cal EPA is mandated to fulfill its
25 mission by developing, implementing and enforcing the state's environmental protection laws
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1 that regulate clean air, clean water, clean soil, safe pesticides and waste recycling and
2 reduction.

3 DTSC/Cal EPA issued the approval of the B-18 Hazardous Waste Facility Landfill
4 expansion permit modification on May 21, 2014, relying in significant part on flawed and
5 defective studies including environmental review studies that were adopted through the use of
6 blatantly and well-documented racially discriminatory permit processes. DTSC adopted a
7 Statement of Overriding Consideration to justify approving the expansion despite significant
8 negative impacts they acknowledge would occur as a result. On October 13, 2014 the
9 DTSC/Cal EPA issued their Order Denying Petition for Review filed by both Greenaction for
10 Health and Environmental Justice and by El Pueblo
11

12 **V. RIPENESS**

13 This complaint is ripe because on October 13, 2014, DTSC/Cal EPA issued the
14 “California Environmental Quality Act Notice of Determination” and the “Statement of
15 Overriding Considerations” for approval of the hazardous waste landfill expansion permit
16 modification on the same day they improperly denied the complainant’s Petitions for Review
17 of the permit decision issued on May 21, 2014. DTSC’s denial of the Petitions for Review
18 constituted the final act of approval of the permit by the agency, the final agency action that
19 has now allowed the controversial and harmful expansion of the hazardous waste landfill to
20 proceed immediately.
21

22 **VI. FINANCIAL ASSISTANCE**

23 The DTSC and Cal EPA are subject to and must comply with Title VI because they
24 receive funding from the United States Environmental Protection Agency.
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1 **VII. STATEMENT OF FACTS**

2 **PROVING CIVIL RIGHTS VIOLATIONS BY DTSC/CALEPA**

3
4 **A. The Chemical Waste Management Kettleman Hills Hazardous Waste Facility:**

5 The DTSC/CalEPA permit has now permitted CWM to expand its hazardous waste
6 landfill B-18 both vertically and laterally-- the expansion will increase the footprint of the
7 landfill from 53 acres to 67 acres, and increase the volume of the landfill from 9.7 million
8 cubic yards to 15.6 million cubic yards. CWM plans to add another hazardous waste landfill
9 (B-20) at the site once the B-18 expansion is complete.

10 The new and expanded landfills would accept approximately 2,900 tons of hazardous
11 waste daily. A combined maximum average of 400 trucks per day may transport waste to the
12 B-18 Landfill or B-20 Landfill, a massive and dramatic increase in truck traffic and diesel
13 pollution as there have only been a handful of trucks entering the facility carrying hazardous
14 waste for the last few years.

15 After all feasible mitigation measures have been imposed, the project would
16 significantly increase ozone, particulate matter ("PM10") and fine particulate matter
17 ("PM2.5") emissions, result in a significant and unavoidable cancer risk at the KHF property
18 boundary, significantly increase traffic impacts, and contribute to cumulatively considerable
19 and significant greenhouse gas emissions.

20 CWM's facility is already the largest hazardous waste landfill in the western United
21 States. Regulatory agencies have repeatedly fined the facility for chronic and serious
22 violations of hazardous waste laws and regulations. For example, the U.S. Environmental
23 Protection Agency ("EPA") and DTSC records show that over the years, CWM has
24 repeatedly failed to report toxic spills, improperly disposed of PCBs and other hazardous
25 waste, and failed to conduct required monitoring. CWM has demonstrated a pattern and
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1 practice of chronic and repeated violations at KHF, some spanning a period of several years.
2 Remarkably, just months before DTSC issued this permit and despite
3 operating at 1 or 2% of capacity, KHF violated the terms of its permit yet again.
4

5 **B. The Community:**

6 Kettleman City is a rural, unincorporated community of 1500 residents. According to
7 the 2010 U.S. Census, Kettleman City is 96 percent Hispanic or Latino; Kings County is 52
8 percent Hispanic or Latino; and California is 38 percent Hispanic or Latino. Using this
9 Census data, it is readily apparent that DTSC's approval of the KHF expansion would have a
10 disparate and prohibited impact based on race when compared to the rest of the state. A
11 significant percentage of Kettleman City residents are employed as farm workers. Kettleman
12 City residents are predominantly language minority. Eighty-eight percent of Kettleman City
13 residents are primarily Spanish-speaking, and 61 percent are monolingual Spanish-speaking.
14

15 Kettleman City is economically depressed. Residents have few resources available to
16 cope with the cumulative exposures to environmental stressors such as pesticides applied on
17 nearby fields, diesel trucks on Interstate 5 and Highway 41, sewage sludge applied on nearby
18 agriculture land, and contaminated drinking water. Residents of Kettleman City also have
19 less occupational and residential mobility, less access to health care, lower income and less
20 political power than other sectors of the Kings County population. In 2000, the per capita
21 income for Kettleman City was \$7,389—one third of California's average of \$22,711. Thirty-
22 eight percent of families and 43.7 percent of Kettleman City residents were below the poverty
23 line in 2000.

24 Beginning in September 2007, Kettleman City's residents experienced a sudden and
25 unexpected increase in birth defects. At least 11 babies were born with defects, many of them
26 with cleft palette and various heart and brain defects. Three of the infants died from
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1 complications stemming from those birth defects. Residents estimated that the affected
2 children represented nearly a quarter of Kettleman City births.

3 The Chemical Waste Management (CWM) facility is located approximately 3.5 miles
4 southwest of Kettleman City. Diesel trucks carrying hazardous wastes and PCBs to the
5 facility travel just yards from residential areas and near the Kettleman City School. According
6 to the U.S. Census, some 96% of Kettleman City's population is Hispanic or Latino, and the
7 per capita income of that population is \$15,081. People living in the communities near the
8 facility are already living with significant respiratory health problems as the Central Valley,
9 including Kings County, has worse air quality than any other region in the Nation. Kings
10 County is in extreme nonattainment of current 8-hour and 1-hour ozone standards, and is in
11 non-attainment of 24-hour and annual average fine particulate matter (PM 2.5) standards.

12 DTSC/Cal EPA permit documents confirm that approval of the KHF expansion adds
13 to the already disproportionate burden of toxic pollution that Latinos in Kettleman City
14 shoulder, which is why these state agencies issued a Statement of Overriding Considerations
15 in an attempt to justify their permit decision. Kings County produces less than three percent
16 of the waste stream dumped at the Kettleman facility and Kettleman City produces none of
17 that waste.

18
19
20 **C. Disparate and Negative Impact of Permit and Landfill Expansion:**

21 The facility has, and an expansion would have, a disproportionate and adverse impact
22 on nearby residents. As acknowledged by the EIR and other permit documents, the project
23 would have significant and unavoidable impacts.

24 The expansion would add up to 400 trucks transporting hazardous waste near or
25 through Kettleman City each day. The 400 diesel trucks would add to the significant air
26 quality burdens in the area and will exacerbate the extremely high levels of asthma in

1 Kettleman City. Residents would be at greater risk of toxic exposures than other areas of the
2 State due to accidental hazardous waste releases from the trucks or the disposal site. The
3 close proximity of the hazardous waste landfill and constant threat of accidental toxic releases
4 negatively impacts residents' mental health and sense of safety and well-being. The close
5 proximity of the hazardous waste landfill and the presence of trucks constantly carrying
6 hazardous waste through town would negatively impact property values in the town. The
7 project's significant and unavoidable air quality impacts would impact nearby Latino and
8 Spanish-speaking residents to a greater degree than other populations.

9
10 **D. State's CalEnviroScreen Confirms Kettleman City is At-Risk and Vulnerable**
11 **Community:**

12 DTSC's permit approval makes a mockery of the state's own CalEnviroScreen tool
13 that was designed to gather information about pollution and the vulnerability of affected
14 populations and then to use that information to help reduce cumulative impacts. While the
15 DTSC decision quotes from and references CalEnviroScreen's information that documents
16 the vulnerability of Kettleman City residents, it's permit is based on a Statement of
17 Overriding Consideration in order to justify adding pollution to a population that the state
18 itself admits is already highly vulnerable due to pollution and other social factors.

19
20 DTSC extensively cited CalEnviroScreen's findings about Kettleman City in the permit
21 decision document entitled "Environmental Justice Review" which on pages 18-19 states:

22 "CalEnviroScreen identifies which portions of the state have higher pollution burdens
23 and vulnerabilities than other areas. It examines indicators related to exposures,
24 environmental effects, sensitive populations, and socioeconomic factors. The
25 **Kettleman City census zip code is identified as in the top 10% highest scoring**
26 **census zip codes in the state based on these indicators, which indicates a**

1 **comparatively high level of pollution burden and vulnerability.**

2 For the purposes of this analysis, we compared Kettleman City to two neighboring
3 communities, Lemoore and San Miguel, examining the raw data identified by
4 CalEnviroScreen for their respective pollution burden and population characteristics
5 indicators. The table on the next page provides CalEnviroScreen data for the
6 Kettleman City zip code, a nearby zip code in Kings County, and a nearby zip code in
7 a community to the southwest of Kettleman. The indicators show how residents of
8 Kettleman City compare to the other communities across the 18 CalEnviroScreen
9 indicators.

10 **The pollution burden indicators show that residents of Kettleman City may**
11 **experience comparatively higher impacts.** Although some indicators are not present
12 or show lower burdens, other indicators show high burdens. The ozone indicator
13 shows that the portion of the daily maximum 8 hour ozone concentration over the
14 federal standard is about 0.11. The average PM2.5 air pollution is 14.1 and exceeds
15 US EPA's standard for ambient PM2.5 concentration. Use of pesticides filtered for
16 hazard and volatility in the area is much higher than the two comparison zip codes,
17 with 3,706.2 pounds reported. In addition, hazard-weighted pounds of chemicals from
18 toxic releases are 39,120,229.

19 Unlike the two comparison zip codes, CalEnviroScreen does not identify impacts from
20 cleanup sites or groundwater threats for the Kettleman City zip code.

21 **The population characteristics indicators show that residents may be more**
22 **vulnerable to the effects of pollution.** The educational attainment indicator shows
23 that 57.2% of the population has less than a high school education. **This percentage is**
24 **significantly higher than the two comparison zip codes.**

25 The linguistic isolation indicator measures the percentage of households where no one
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1 speaks English “very well,” and identifies 23.6% of households in Kettleman City as
2 in this category. **This percentage is also significantly higher** than the two other
3 comparison zip codes. Kettleman City is also high on the tool’s measure of poverty,
4 with 39.8% of the population living below twice the federal poverty level. The percent
5 low birth weight in Kettleman City, 6.03%, is comparable to the two comparison zip
6 codes. Finally, **CalEnviroScreen identifies 96.27% of the population of Kettleman**
7 **City as non-white or Hispanic/Latino, significantly higher than the two**
8 **comparison zip codes.” (emphasis added).**
9

10 **E. DTSC Improperly Failed to Perform a Cumulative Impact Analysis:**

11 Even though DTSC acknowledges that Kettleman City residents face a cumulative risk
12 from multiple pollution sources, it failed to conduct a serious analysis to identify the nature of
13 those impacts or address them. DTSC’s entire cumulative impact analysis consists of listing
14 new or proposed projects that have emerged since Kings County certified its EIR for the
15 project and summarizing any existing CEQA documentation for the new projects. DTSC did
16 not analyze the combined impact of multiple environmental stressors in the area, and certainly
17 individual sites.
18

19 The failure to conduct a comprehensive cumulative impact study of the potential
20 impacts of expanding the toxic waste landfill combined with existing and other proposed
21 pollution sources in this community already suffering high rates of serious health problems
22 has resulted in inadequate analysis of the potential and real impacts of the expansion.
23

24 **F. DTSC/Cal EPA’s Issuance of Expansion Permit Despite Well-Documented History**
25 **of Violations Places Residents at Increased Risk:**
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1 It is a matter of public record, and an undeniable fact, that Chemical Waste
2 Management has a long track record of serious, repeat and chronic violations of their permits
3 regarding handling and disposal of hazardous wastes and PCBs at the Kettleman Hills
4 Facility. In the last few years alone, Chem Waste has been cited for violations including years
5 of illegal disposal of hazardous wastes and PCBs, years of failing to conduct some of the
6 required monitoring, failing to report 72 spills of hazardous waste over a four year period, and
7 faulty laboratory results. These chronic violations clearly are grounds for a permit denial, yet
8 the state's decision to issue a permit sends a message to polluters that they can violate their
9 permit dozens of times as Chem Waste has, yet still get new permits.

10 Agencies have fined Chemical Waste Management millions of dollars for violations at
11 KHF since it was built, and violations continued. In 1984, EPA fined Chemical Waste
12 Management \$2.5 million for a total of 130 violations. In 1985, EPA and Chemical Waste
13 Management's parent company, Waste Management, Inc., agreed to a consent decree
14 involving \$4 million in fines for failing to adequately monitor ground water and for
15 mishandling hazardous waste, including PCBs, at the Kettleman Hills landfill. In 2005, EPA
16 and Chemical Waste Management entered into a consent decree for extensive monitoring
17 violations. The California Department of Health Services fined Chemical Waste Management
18 \$363,000 for eleven administrative and operational violations at the Kettleman dump. On
19 April 8, 2010, EPA issued Chemical Waste Management a letter outlining that the company
20 was engaged in improper disposal and improper handling of highly toxic materials. And, on
21 May 27, 2010, EPA Region IX issued a Notice of Violation to Waste Management stating
22 that, "the data quality control system at the KHF Laboratory is not adequate to ensure reliable
23 analytical results," and "should not be used for decision making." On March 2013, DTSC
24 fined Chemical Waste Management \$311,194 for 72 violations for failing to report hazardous
25 waste spills on its property during a four year period between 2008 and 2012.
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1 Health & Safety Code, Section 25186 authorizes DTSC to deny or revoke a permit
2 based on violations of or noncompliance with environmental protection statutes and
3 regulations, if the violation or noncompliance shows a repeating or recurring pattern or may
4 pose a threat to public health or safety of the environment. Moreover, Title 22 of the
5 California Code of Regulation, Section 66270.43 authorizes DTSC to revoke or deny a permit
6 for noncompliance by the applicant with any condition of the permit. DTSC/Cal EPA have
7 ignored the serious and repeat violations by issuing a permit for a massive landfill expansion,
8 thus putting residents at increased risk.
9

10 **G. DTSC/Cal EPA Significant Reliance on Kings County's Racially Discriminatory**
11 **Permit Process and Documents in the DTSC Permit Process Had a Discriminatory**
12 **Impact and also Constitutes Unlawful and Intentional Discrimination:**
13

14 DTSC/Cal EPA extensively relied on the environmental review documents prepared
15 and approved by Kings County in a blatantly and unequivocally racially discriminatory
16 process. These documents provided a significant basis for DTSC/Cal EPA's decision and
17 were incorporated as part of the permit decision.

18 Title VI prohibits discrimination based on race and also on national origin. This
19 protects language minorities, such as Spanish speakers, from unfair exclusion of the benefits
20 afforded to non-minorities.

21 Kings County knowingly and intentionally discriminated against Latino residents by
22 systematically limiting their participation in the decision-making process despite their
23 protected status under state and federal civil rights laws. Kings County excluded Latinos from
24 meaningful participation in the Local Assessment Committee process, deprived Latinos
25 access to permit information and documents due to the County's refusal to translate, denied
26 Latinos access to the public hearings by setting hearings on inconvenient dates and times and
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1 in inaccessible locations, and routinely denied Spanish speakers equal time to testify as non-
2 Spanish speakers. Also, the County stifled participation from the Latino residents of
3 Kettleman City through systematic county-initiated police harassment, intimidation and
4 violence. The County used unnecessarily heavy police and canine presence during the public
5 hearings which had the effect and, likely, purpose of intimidating Kettleman City residents,
6 many of whom have uncertain immigration status. Kings County contracted for over 40
7 police officers and sheriffs to patrol the hearings, in addition to its normal security staff. The
8 clear excess in police presence and force had the effect of limiting the public participation of
9 Latinos and Mexican immigrants, both protected classes under state and federal civil rights
10 laws.

11 Despite repeated requests from residents, Kings County consistently refused to
12 translate permit documents or public hearings into Spanish, denying the people most affected
13 by the proposed project the ability to fully participate. When translators were present, they
14 were provided by Chem Waste (FSEIR at 3-200), an interested and biased party in the
15 proceeding. (Kings County Planning Commission, Meeting Transcript, October 5, 2009,
16 2:00pm PST).

17 Kings County further blatantly discriminated against language minorities during the
18 permit hearing when Spanish-speakers were allowed only half the time to testify as whites.
19 While English speakers were allotted a full five uninterrupted minutes to testify, the County
20 allowed the Spanish-speaking Latinos only 2 ½ minutes to testify – using the other 2 ½
21 minutes to have the translators paid for by the toxic waste company translate the testimony
22 into English. Meeting Transcript at 152:16-19.

23 When Spanish-speaking residents objected at the hearing to being given only half the
24 time to testify, County officials and police threatened them with removal from the hearing.
25 During the hearing, one resident who is a citizen and senior citizen was physically removed
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1 by the police for continuing to object to the discriminatory rules. The County officials'
2 warnings to the resident were in English, and his requests for translation of the warning were
3 ignored. The county also brought police dogs in a K-9 unit squad car parked near the entrance
4 to the following hearing in an attempt to intimidate residents and others opposing the landfill
5 expansion.

6
7 **H. DTSC/Cal EPA Relied on Flawed, Biased and Unscientific Studies:**

8 The permit decision relied on numerous state and federal studies and documents that
9 were flawed and unscientific:

10 • The DTSC cites the “US EPA KHF PCB Congener Study”, yet this study
11 allowed a toxic polluter with a serious record of violations, including failing to report spills
12 and failing to conduct some of the required monitoring, to conduct most of the testing;

13 • DTSC’s “review” cites the “Cal EPA Kettleman City Community Exposure
14 Assessment” ordered by Governor Arnold Schwarzenegger in January 2010 which directed
15 Cal EPA to assess possible environmental contaminants in the air, groundwater and soil that
16 may have contributed to the increase in birth defects in the Kettleman City community since
17 2007. DTSC failed to point out that the pollution and waste disposal activities at the landfill
18 were reduced by over 95% at the time the study took place compared to the full operations
19 taking place several years earlier when the spike in birth defects took place – and CWM knew
20 they were being tested by many agencies at the time.

21 • DTSC/CalEPA cites the state’s birth defect study, but omits key information
22 including the clear fact that the state knowingly and intentionally understated and withheld the
23 true number of birth defects. DTSC/CalEPA’s “review” also failed to mention the state
24 agencies had refused to investigate until the Governor ordered an investigation in the wake of
25 major national news coverage.
26

1
2 **I. DTSC/CalEPA's "Environmental Justice Review" Used to Justify the Permit**
3 **Was Flawed, Inadequate and Biased Towards CWM:**

4 One of the main DTSC/CalEPA permit documents used to justify its decision to
5 approve the landfill expansion is entitled "Environmental Justice Review." DTSC claims it
6 "...prepared this Environmental Justice Review to identify and address environmental justice
7 concerns related to the Kettleman Hills Facility operated by Chemical Waste Management,
8 Inc. (Applicant). The Environmental Justice Review also assesses the potential harmful offsite
9 impacts from the facility as well as existing environmental burdens on the people in the
10 community..... Finally, this document reviews authoritative and voluntary actions taken by
11 DTSC, local government, federal government, and the Applicant to address impacts on the
12 people in the community from the facility or from the multiple impacts of other activities.
13 This review is informed by the policies set forth in Government Code section 11135, Public
14 Resources Code sections 71110-71113, California Environmental Protection Agency
15 (Cal/EPA) Environmental Justice Action Plan (2004), and DTSC's own policies for
16 environmental justice."
17

18 However, DTSC's so-called "Environmental Justice Review" is in reality a document
19 that promotes environmental racism due to inaccurate analysis, the omission of key
20 information that should have been analyzed, and the unethical and inappropriate use of certain
21 information. Specific inaccuracies and defects in DTSC's "Environmental Justice Review"
22 include:

- 23 • This review failed to identify or address environmental justice concerns related to the
24 Kettleman Hills Facility, and in fact no concerns were addressed by DTSC;
25 • Contrary to DTSC's claim, this review does not include an assessment of Cumulative
26 Impacts, and the assessment of "potential harmful offsite impacts from the facility as well as
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1 existing environmental burdens on the people in the community” that DTSC claims is in the
2 review is simply not in this document;

3 • Even if the information about assessing harmful impacts was in this review, a real
4 Cumulative Impact Assessment and analysis would include the toxic waste facility, other
5 existing environmental hazards, proposed environmental hazards and existing and recent
6 health and environmental quality information – this DTSC “Environmental Justice Review”
7 failed to analyze these issues cumulatively;

8 • It was completely improper, and a biased attempt to justify dumping more hazardous
9 waste and PCBs on Kettleman City, for this document to review “...authoritative and
10 voluntary actions taken by DTSC, local government, federal government, and the Applicant to
11 address impacts on the people in the community from the facility or from the multiple impacts
12 of other activities.” These voluntary actions are irrelevant to a permit decision that should be
13 based on facts and the law, not on a giant corporation using its vast wealth to greenwash their
14 polluting operations and attempt to win the support of residents;

15 • DTSC improperly cites various incentive programs and the US Environmental
16 Protection Agency Environmental Justice Small Grant that was given to Greenaction to
17 reduce diesel pollution from illegal truck idling in Kettleman City - and DTSC improperly
18 mentions this grant as grounds to support granting Chem Waste its permit. As the State says
19 it wants to provide more funding for highly impacted communities to remediate past
20 disparities based on the CalEnviroScreen tool, this cannot be used as grounds to permit
21 additional disproportionate impacts. The goal of the tool and of those who participated in its
22 creation is to reduce and not increase impacts in these highly impacted communities;

23 • DTSC’s claim that “To address the issue of air pollution, the Applicant has agreed to
24 an enforceable plan to reduce diesel truck emissions ...” is absurd and Orwellian, as the
25 DTSC/CalEPA permit allows a massive increase in diesel truck traffic and diesel emissions;
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1 Diesel truck trips carrying hazardous waste will increase from the current level of
2 approximately one per day to about 400 per day. Using cleaner, but not clean, diesel vehicles
3 will in no way “address the issue of air pollution” as DTSC claims and will not result in
4 cleaner air and less diesel emissions. The only way to truly reduce diesel emissions is to reject
5 the expansion, and make sure that there are not 399 more diesel truck trips per day than have
6 occurred for the last several years;

7 • DTSC’s claim that they are addressing the long-standing issue of water quality and the
8 lack of a safe drinking water supply for Kettleman City residents is also absurd, as DTSC
9 knows very well that the people of Kettleman City drink, bathe and wash in toxic
10 contaminated water every day and have done so for decades;

11 • The discussion of air quality in this “review” focuses on air monitoring requirements,
12 but fails to mention anywhere the undeniable and well-documented fact that CWM has
13 violated some of its permit requirements on monitoring, including for years at a time.
14 Essentially the DTSC details a wishful thinking, make-believe world where CWM complies
15 with its permit and does all the required monitoring and reporting;

16 • The “review” mentions US EPA’s Air Emission Study on KHF Ponds, which despite
17 being based on a one day (November 12, 2010) inspection , allegedly indicated “... that the
18 Kettleman Hills Facility did not appear to be a significant source of the measured compounds
19 at the time of inspection.” The use of a one day inspection to conclude that the facility was
20 not a significant source of measured compounds at the time of inspection is not a
21 representative sample to make any conclusions;

22 • The DTSC “review” cites the “ US EPA KHF PCB Congener Study”, yet this study
23 allowed a toxic polluter with a serious record of violations, including failing to report spills
24 and failing to conduct some of the required monitoring, to conduct most of the testing;
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- 1 • DTSC's "review" cites the "Cal EPA Kettleman City Community Exposure
2 Assessment" ordered by Governor Arnold Schwarzenegger in January 2010 which directed
3 Cal EPA to assess possible environmental contaminants in the air, groundwater and soil that
4 may have contributed to the increase in birth defects in the Kettleman City community since
5 2007. DTSC failed to point out that the pollution and waste disposal activities at the landfill
6 were reduced by over 95% at the time the study took place compared to the full operations
7 taking place several years earlier when the spike in birth defects took place;
- 8 • DTSC's "review" cites the state's birth defect study, but omits key information
9 including the clear fact that the state knowingly and intentionally understated and withheld the
10 true number of birth defects. DTSC's "review" also failed to mention the state agencies had
11 refused to investigate until the Governor ordered an investigation in the wake of major
12 national news coverage;
- 13 • DTSC included in its so-called "Environmental Justice Review" actions proposed to
14 be taken by a giant corporation that has repeatedly violated its permits to essentially buy off
15 and sway public opinion. These include paying for a walking track, soccer field lighting,
16 pavilion, and parking lot at the Kettleman City Elementary School. Children's ability to
17 participate in sports should not be dependent on money from a company that dumps
18 hazardous wastes and PCBs next to their town and has a terrible compliance history;
- 19 • DTSC's permit decision that refers to funds that may be provided by Chem Waste (if
20 they received their permit) to help pay off the water service debts of the Kettleman City
21 Community Services District is improper, as many now believe that the only way Kettleman
22 City will get a new and safe water supply is if the dump expands. This is an unethical way to
23 garner support for a toxic waste landfill, essentially sending a message to residents that if you
24 want clean water for your family and babies, you must allow more toxic waste to be disposed
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1 of in your town. This approach by DTSC in fact divided residents and caused great conflict
2 and harm in the community;

3
4 **J. DTSC/CalEPA's Statement of Overriding Considerations Erroneous, Improper**
5 **and an Admission of Negative Impact on Vulnerable Protected Class of Persons:**

6 When an agency seeks to approve a project with significant environmental effects that
7 will not be avoided or substantially lessened, it must adopt a statement that, because of the
8 project's overriding benefits, it is approving the project despite its environmental harm. 14
9 CCR § 15043.

10 DTSC/CalEPA's final permit decision issued May 21, 2014 included a Statement of
11 Overriding Considerations that states clearly that there are significant unavoidable impacts of
12 the

13 "DTSC specifically adopts and makes this Statement of Overriding Considerations
14 that this Project has eliminated or substantially lessened all significant effects on the
15 environment where feasible (including the incorporation of feasible mitigation
16 measures) and finds that the remaining significant unavoidable impacts of the Project,
17 which are described above, are acceptable because the benefits of the Project set forth
18 below outweigh it."
19

20
21 DTSC/CalEPA thus clearly and unequivocally acknowledges that their approval of a
22 landfill expansion will have negative, significant and unavoidable impacts on a community
23 they have confirmed is vulnerable and at risk to pollution. DTSC/CalEPA's Final Decision
24 including the Statement of Overriding Considerations is attached and incorporated into this
25 complaint.

1 In addition, when issuing a Statement of Overriding Considerations, the agency must
2 set forth the reasons for its action based on the final EIR or other information in the record.
3 Pub. Res. Code § 21081(b); 14 CCR § 15093(a). The Statement of Overriding Considerations
4 must be supported by substantial evidence in the record of the agency's proceedings. 14 CCR
5 § 15093(b); see also *Sierra Club v. Contra Costa County* (1992) 10 Cal. App.4th 1212, 1223
6 (statement of overriding considerations should be treated like findings and therefore must be
7 supported by substantial evidence.). A statement is legally inadequate if it does not accurately
8 reflect the significant impacts disclosed by the EIR and mischaracterizes the relative benefits
9 of the project. See *Woodward Park Homeowners Ass'n v. City of Fresno* (2007) 150 Cal.
10 App. 4th 683, 717.

11 DTSC/CalEPA found that specific economic, legal, social, technological and other
12 anticipated benefits of the Project outweigh the significant and unavoidable impacts to justify
13 project approval. DTSC/CalEPA specifically relies upon six alleged benefits to make this
14 finding. Most of the stated "benefits" concern the need for added hazardous waste disposal
15 capacity within the state. However, nowhere in the permitting process has DTSC provided a
16 useful review or consideration of the needed state capacity for hazardous waste disposal in
17 California. State law required DTSC to provide this analysis in a statewide hazardous waste
18 management plan beginning in 1991 and updated every three years. See Health & Safety
19 Code § 25135.9. However, DTSC has never prepared the requisite analysis. Without this
20 analysis, DTSC has no way of knowing whether the state needs additional hazardous waste
21 disposal capacity and no way to support its finding of an overriding project benefit.

22 DTSC cites an increase in hazardous waste generation in California from 1997 through
23 2002 as the only evidence supporting its statement of overriding considerations. However, 13
24 year old data about increased hazardous waste generation is not evidence supporting DTSC's
25 argument that the state needs additional capacity today. DTSC does not disclose or analyze
26

1 how much waste is currently generated and how much capacity remains at existing hazardous
2 waste facilities in California. Without providing any information on the state's supply and
3 demand for hazardous waste disposal options, DTSC has no evidence demonstrating that the
4 project will achieve any of the stated benefits.

5 In fact, if DTSC meets its goals of reducing hazardous waste disposal in the state, the
6 state may not need the additional 5 to 19 million cubic yards of capacity at Kettleman Hills.
7 The expansion of landfill capacity will reduce the costs of disposal and actually act as a
8 disincentive to reaching the state's 50% hazardous waste reduction goal. Rather than
9 benefiting the state, the expansion will undermine statewide hazardous waste goals.

10 DTSC also explains that one of the project benefits is to receive hazardous waste
11 generated by U.S. businesses with facilities in Mexico. However, DTSC also acknowledges
12 that the facility only receives the equivalent of half a truckload of waste per year from
13 Mexico. Existing facilities have sufficient capacity for this very small amount of waste.
14 DTSC does not provide any evidence that demonstrates that the KHF expansion is needed to
15 provide capacity for waste from Mexico.

16 Because DTSC has no support for its findings of overriding considerations, and is
17 unable to demonstrate that the facility provides any benefit, DTSC should not approve the
18 expansion permit.
19

20
21 **K. DTSC/CalEPA's Order Denying Petition for Review of Permit Modification**
22 **Decision is factually flawed, non-responsive and without merit:**

- 23
24 1. DTSC's claim that violations of civil rights are not properly raised in an appeals
25 process is without merit and a violation of environmental justice:
26
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1 DTSC/CalEPA's states in their Order Denying the Petition for Review (page 7) that

2 "...this appeals process is not the right forum to address civil rights matters."

3 DTSC/CalEPA's claim that civil rights matters are not properly raised in an appeals process is
4 without merit and a violation of civil rights and environmental justice. State and federal civil
5 rights laws do not provide an exemption to DTSC/CalEPA to allow them to violate civil rights
6 laws or to claim their permit decisions are somehow beyond the scope of civil rights laws.
7 DTSC further mischaracterizes our civil rights allegations by focusing on the issue of the
8 siting of all three of the hazardous waste landfills in Latino Spanish speaking communities. In
9 fact our comments on the draft permit and in our appeal/Petition for Review set forth
10 numerous violations of civil rights by the DTSC/CalEPA including their significant reliance
11 on Kings County's EIR documents that were adopted through the systemic use of racially
12 discriminatory rules and procedures including English-only documents, providing the Spanish
13 speaking residents only half the time to speak as English speakers, and the use of police
14 intimidation and violence the presence of police dogs.
15

16

17 2. DTSC/CalEPA's Order and Response to Comments is Flawed and Inaccurate:

18 A review of the DTSC/CalEPA Order and Response to Comments clearly shows in many
19 instances they mischaracterized complainants' comments and were non-responsive to many
20 issues raised in our comments during the public comment period and appeals process.
21

22 3. DTSC/CalEPA's Appeal's Process Was Biased and Unfair and Inadequate:

23 The DTSC staffer appointed as the appeals officer has a long history of conflict with
24 complainant Greenaction and other community and environmental justice groups.

25 Greenaction and community groups were in intensive conflict with this appeals officer since
26 the late 1990's due to concerns about perceived lax oversight of toxic cleanup and
27

28

1 contamination sites in the low income communities of color in Midway Village and West
2 Oakland. DTSC/CalEPA's use of this staff person in a role that should be devoid of even the
3 perception of bias is unacceptable and tainted the integrity of the appeals process.

4 5 **VII. CONCLUSION**

6 People of color and non-English speakers are entitled to be protected from unlawful
7 discrimination in state-funded activities and programs, yet the DTSC and CalEPA continue to
8 ignore and violate state and federal civil rights laws. Discrimination against minority
9 populations is prohibited under Title VI of the US Civil Rights Act

10 Section 601 of Title VI of the Civil Rights Act of 1964 states that "No person in the
11 United States shall, on the ground of race, color, or national origin, be excluded from
12 participation in, be denied the benefits of, or be subjected to discrimination under any
13 program or activity receiving Federal financial assistance." Section 602 of Title VI states:
14 "Each Federal department and agency which is empowered to extend Federal financial
15 assistance to any program or activity ...is authorized and directed to effectuate the provisions
16 of section 601"

17
18 Section 602 prohibits recipients of federal funds to engage in activities that result in
19 discriminatory effect or disparate impact against individuals, groups of people, or whole
20 communities of a certain race, color, or national origin. The discriminatory effect / disparate
21 impact can occur when an inaction or action by a recipient of federal funds that may appear
22 neutral on its face and is not accompanied with any intent to discriminate, but nevertheless
23 negatively affects an individual, groups of people, or a whole community of a certain race,
24 color, or national origin, without any substantial legitimate justification, violates Title VI.

25 DTSC and Cal EPA, as recipients of federal funding, have violated Title VI through
26 their decision to approve expansion of the Chem Waste hazardous waste facility adjacent to
27

1 Kettleman City, relying on flawed and defective studies and a discriminatory process and
2 approving the expansion despite confirming that this expansion would have a negative,
3 disparate impact on the environment of a Latino, Spanish-speaking low-income and heavily
4 polluted community the agencies themselves acknowledge is highly vulnerable and at-risk.

5 DTSC/Cal EPA's decision to permit the expansion of the Chem Waste Hazardous
6 Waste Facility adjacent to Kettleman City violates their statutory and regulatory duty to
7 administer all programs and activities in a nondiscriminatory manner. The DTSC/Cal EPA's
8 action exacerbates existing adverse environmental and social impacts in Kettleman City and
9 creates a substantial adverse impact on the community.

10
11 It is unacceptable and a violation of civil rights that the State of California would
12 knowingly and intentionally use key documents produced and approved through blatant racial
13 discrimination in this or any other State action. DTSC/Cal EPA are sending a message that
14 civil rights laws do not apply in permit decisions, and we file this complaint to force DTSC,
15 Cal EPA and all other state agencies to follow the law of our land which include California
16 Government Code 11135 as well as Title VI of the United States Civil Rights Act.

17 18 IX. REMEDIES

19 In order to provide effective remedies for the discrimination and substantial violations
20 of Title VI set forth in this Complaint, the United States EPA should require as a condition of
21 continuing to provide financial assistance to DTSC/Cal EPA that these agencies:

- 22
23 (1) Reverse the approval for the expansion/permit modification of the landfill;
24 (2) Rescind the Order Denying the Petitions for Review;
25 (3) Cease use of or reliance on environmental review documents or other permit
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documents which were approved by any agency using racially discriminatory procedures;

- (4) Cease use of Statements of Overriding Consideration in permit decisions affecting low-income and communities of color heavily and disproportionately impacted by pollution;
- (5) Uphold and comply with applicable civil rights laws in permit decisions; and
- (6) Actively work with all relevant parties to ensure that Kettleman City's contaminated water supply is replaced within six months with safe uncontaminated water.

Respectfully submitted,

Ex. 6, 7c

March 19, 2015

El Pueblo Para el Aire y Agua Limpia
Ex. 6, 7c, Kettleman City, CA 93239
Ex. 6, 7c
Ex. 6, 7cEx. 6, 7c

Ex. 6, 7c

Greenaction for Health and Environmental Justice
559 Ellis Street, San Francisco, CA 94109
415-447-3904 Ex. 6, 7c
Ex. 6, 7cEx. 6, 7c

6/1/15

JUN - 3, 2015

To Whom it may Concern:

My name is Ms. **Ex. 6, 7c** I'm **Ex. 6, 7c**

I've lived **Ex. 6, 7c**

20 years under the same owners in the rental OFC bldg. I'm

reside at **Ex. 6, 7c**

Contacting you to ask for some emergency investigations of blatant ^{in fair} discrimination of disability, sex, age by Winn ^{owners of} properties / Winn Residential / Winn Management (rental OFC) Companies

located at ^{Winn Companies} Corporate Center 6 Faneuil Hall | 484 Fremont St. | Boston, Mass. 02116
Market Place
BOSTON, Mass 02109
C/O Mr Arthur Winn & Glen Winn 617-742-4500 ^{regional OFC}

I have had chronic flooding by rental OFC and pipes leaking sometimes several times a day in utility closet, black mold/mildew in utility closet seeped into hall closet causing floors to buckle thru the house - Now floors are uneven/unsafe to walk properly in the house. There are air quality / air circulation in the house, fumes from cars, odors from other apts, chronic moisture issues mushrooms are growing in the bathroom ceiling was told remediate it, just close the holes in ceiling, the vents are turning black top/bottom you can't clean them at all, not sure what I'm breathing here, something is growing on the window sill in living room a chronic cigarette smoke comes thru front door/vents and in windows (you can't open them because of this), they light so many cigarettes in the hall until the fire alarm goes off a fog in the hall, they throw lit ones on the rubber on the steps, I'm afraid of being in a fire because of others that don't live in the bldg. you can't adjust the heat properly either too hot or too cold, it could be too outside & freezing in here like a meat freezer, A/C unit (not of good quality) blows warm/cold air at the same time, heat can be on most of the door but still freezing cold in bedroom at night, you have to turn up to 80°-83° to try to get warm, when you try to turn it down some it's getting hotter, excessive heat in the utility closet even with the door open some, A/C makes a lot of noises (clicking) very scary sounds like its gonna blow up any minute, fumes are in there also. There are foundation issues, there is outside dirt under the floors inside my apt? I'm concerned with the ^{excessive} weight in rental OFC on my ceiling the snapping/cracking on the ceiling is very nerve racking. They jump up & down, stomp, slam doors all day & night 1-2 AM

It shakes the whole apt. They walk so hard up there. They damage my belongings.
Not very considerate of me underneath them. I tried to get an
engineer to come out to see this, had called the fire dept also.
I am worried about the ceiling collapsing on me. Chronic fecal/urine
FROM Rats (mice) in ^{staircase} ^{closets} ^{doors} ^{walls}. They get on the bed, couch, tables,
all on counters (sink), go into the gas stove (had chemical wires before), come out
with people visiting like housing inspectors, etc. I have been so traumatized
living here, loud music shake the bldg, kids/adults running/jumping
all day & night, screaming/hollering, arguing/fighting in the bldg (they don't live
here (come to do laundry) talking loud, kids kicking doors & me out of the
bldg this 24/7 some days. This is not a safe/clean environment at
all. This is a health hazard. You have dogs barking all day/night let them
use the bathroom in front of my window where the dirt is at. When it
rains it comes into the house. They were told by court/housing inspectors
to install water barrier on the outside/inside of my apt. They blatantly
refused to the inspector put some cheap plastic/wood thru the inside
near baseboard like that will stop water/rodents/bugs in the house. Some of
it is coming a loose - There is so many bugs from A to Z huge spiders some in the
kitchen area, they come up thru bathtub/sink in bathroom, huge cockroaches,
water bugs, little tiny ones. Some red/white, roaches, mosquitos, big wasps
even had termites in window sill, they sent me the bill for the treatment.
like it's my fault. When they send exterminators here they don't spray or
really do anything to stop the source of the issues Rats/mice/bugs
They tell me what to do. I have bought almost everything. I could
not afford to try to stop them myself "nothing works" I pour ammonia
to try to run them away - I've found/killed 100+ here by myself.
They are still in here now great big ones sometimes they are too big to
fit glue traps - it is so hard to keep my place clean & safe for
others until these issues stop. Can't sleep/hard to breathe chest
hurts, I've been so stressed out here, had a nervous breakdown I can't
take any more this is too much for any 1 person to take on NO
one should this way "I'm human" you would not live this way. The
apt. is nice but they won't fix it right because it's me I'm sorry
for that spirit every one has seen the conditions it's all
in writing at court, bread for the city, Howard, legal counsel
for the elderly: Tenant Advocate/judicial tenant Resource Center
510 4TH ST NW, OFC of Insp. General, others for help - I won all
3 cases against them, file Tenant Petition would also it still
has not made them stop. They come in my apt don't speak
very disrespectful to me, discuss all my personal business
to anyone who'll listen because I told things that
hurt 100+ places to move.

One day The someone come to my door to
move into my apt. They sent them no one
told me about moving. They had told
them about the apt & they could switch
us. ? I've never been treated this way

I feel like a "slave" all they need is
the whip. smile Thanks for your time
& any help you can give will be
humbly & greatly appreciated. An investigation ^{chronic} NOA Compliance
Should launched fraud, waste, mismanagement
negligence, reckless endangerment ^{the proper authorities need to be contacted} to my asap
place, & health they rent these places
knowing that they are "inhabitable", unsafe.
1st apt Flooding from rain under the door
they wanted to live like that mildew mold
was all over, next Flooding from the
bedroom to living room, millions of
RATS!! Was told this is a nuisance
abatement property they look them up.

I'll wait to hear from you. These are small
things that took a few minutes to do they
breached the lease & stop at services, no maintenance ^{NO} ^{XX} ^{no} ^{certification} ^{done yet}
Settlement agreement, God bless but ^{excepting my}
also everytime. rent
Ex. 6, 7c

If you have any
questions please
Call no. Ex. 6, 7c
(Someone's no.)
Private

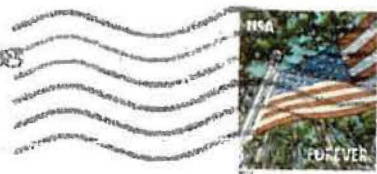
Ex. 6, 7c

Washington, DC 20032

Miss Debra Burton
4319 3rd St SE Apt 101
Washington, DC 20032-3213

CAPITAL DISTRICT 200/208

03 JUN 2015 PM 4 L

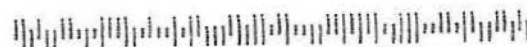


JUN - 8 2015

US EPA
OFF. OF CIVIL RIGHTS
(1201A)
1200 Pa. Ave NW
W, DC 20460



20460



Create Control - Data Entry

Control Number: OCR-15-000-9953 Alternate Number:

Citizen Information

Citizen/Originator: 1). Mutter, Ray - P.O. Box 987, Brownburg, IN 46112

Constituent:

Committee:

Sub-Committee:

Control Information

Status:

Pending

Letter Date:

Jun 5, 2015

Received Date:

Jun 9, 2015

Contact Type:

LTR (Letter)

Priority Code:

Normal

Addressee:

(+)

Addressee Org:

File Code:

401_127_a General Correspondence Files Record copy

Signature:

(+)

CC:

Signature Date:

Date

Primary Subject:

Complaint against a body shop

(+) Secondary
Subject:(+)

Instructions:

(+)

Instruction Notes:

General Notes:

*: Required field

(+: Lookup field, press space bar for complete list

6-5-15

DEAR Sir/MADAM,

I Filed A COMPLAINT AGAINST
A BODY SHOP owned by CARY DARSON AND
CHAD SIMMS. 9465 CR 950 N Brownsburg,
IN. 46112. ~~late in 2014~~ EARLY IN 2015.

I sent this certified mail.
According to my records you received
it but you have NOT acknowledged
my complaint.

Should I write a letter to the
President OBAMA? I am a voter

Thank you

Ex. 6, 7c

B, BURG, IN 46112

IF NO RESPONSE THE NEXT
Letter goes to the white house

6-5-15

DEAR Sir/MADAM,

I Filed A COMPLAINT AGAINST
A BODY SHOP owned by GARY PARSON AND
CHAD SIMMS. 9465 CR 950 N Brownsburg,
IN. 46112. ~~case in 2014~~ EARLY in 2015.

I sent this certified mail.
According to my records you received
it but you have NOT acknowledged
my complaint.

Should I write a letter to the
President OBAMA? I am a voter

Thank you

Ex. 6, 7c

B, BURG, IN 46112

IF NO RESPONSE THE NEXT
Letter goes to the white House

CMS# OCR-15-000-9953

Box 987
46112

Box 987
46112

CERTIFIED MAIL



7014 2870 0001 0768 7293



JUN - 9 2013
Received OCR

US Environmental Protection Agency
mail code 1201A
1200 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20460

20460



U.S. ENVIRONMENTAL
PROTECTION AGENCY.

I, **EX. 6, 7C**

EX. 6, 7C

I have called
Abandon. Mines.
in Logan. W. Va.
for damaged too many
home, and land.
They done investigation
on the report. Sent
back a. report.
also report to the
people who done
the damaged. Gas.

Said it was not them
it was gas. Camp.
Sent report. They told
go after gas Camp.
Gas Camp. E of A.
Said go after Drilling
Camp. did all that
Called Wate.
Drilling Camp. Said
was act of Nature
or act of God.
Course having Season
in 2014. Said tree
was course of too.
Come on NOW. I see
drink water. that they
bath in dry. Wate.
EPA of W. Va. Sent.
dec that I took

Was act of Nature
or act of God.
Cause of the Rainy
Weather in 2014.
But this problem
with all that God
did Nat. Still Walled
for gas in mt.
We built high Walled
in Drench Road. cut
ditches down into
town water on our
home in Valley.
an blast. for Weller
open under ground
It ran in Septer's
System Water Run
Constant in the
System

Bandon. Mines. Done
no mine in Mingo
County, W. Va. in
2008 to 2014.
They sent back a
report. it was gas
Camp.
So I call E.C. of A.
They said was Nat.
them. Charleston, W. Va.
also Denver Colo.
They said was gas
Nat gas Camp.
Was Killing Camp.
I called Killing
Camp. They come out.
Went over the land
and home said it

of Mt. They come
Out my son, live
on property. Show
all over the property.
The older Inspector
from EPA of WVA.
Get mod. Younger
one doesn't say
any thing.

Here list of people.
Kw'Zee Drilling
Allen Ky.

P.O. Box 460
609 814 / 8041 EX 239
Dubane Lester,
Steven Jenkins.
EPA, WVA. ~~John~~
Jeromeiah Sanborn,

Responsible for the.
Damaged done by
their Comp. Gas
Comp. Sailed over
After Drilling Comp.
Who built WVA.
They Sailed out Nature.
Bardon Mines of WVA
Sailed that them.
EPA American Post
Gas Comp EPA. Sailed
Not them.

Know No, home,
Know money for
home. damaged land
and home. I did not
home till start drilling
gas well 2008 to 2014.

Septic System.
We have pump every
three days. 20/4. July
This start, then block
On home is broke
ship of foundation
home has from under
ground plastering shift
the ground. fifteen
away, also mining
was done in 2014.
Wolf Creek Callers
in Wolf Creek, KY.
Marie out under the
home. I thought mining
had done. I said
Collier, Brandon. Mining
they done. Report.

Had to leave home
more to my mom's
died some of it
run down and worse
than made one
I live in, floor
out of it + estimate
last up. Callers and
No, insulation, also
home do not have
the new up to date
on them. It just
mess all the way
around. They stay
blame game their
done, other blame
the camp. No, one
want to take.

Got report. They file
one that end with
Never hear from
again. What hap with
these people. Who
do these job for the
oil & gas camp.
do all their Camozed.
leave it. Release
hold responsible
for their action.
He land & home out
Home is male
as Unlivable Now.
end up in hospital
Male. Piledville med.
Center. in home.
Through Write you.

Write, Write & Water
Management of WWR.
Benton Menes Said
Sade mention
Problem with Water.
Sent Water & Water Management
of WWR D.S. Slide
picture came out
look for Slide.
Said No, leave
where slide was.
That was it. Yet.
On my hand.
I Write Federal. EPA.
Washington D.C.
No, Answer from
them. None of these
Agency I Write.

People see if you
could, help any way.
I wrote, WDA.

No, help. Epa.
WDA. Bardon Mines

WDA. Logan. WDA.

Kanzen Drilling

Allen K4. No, help

Get Nature or Act

Dr. E. C. American

Chaderton. WDA

Spencer C&S. You

Can check with

those people to see

what I am telling

you. that their Drilling

Company done to

home & land

let see if you can
help.

Thank you.

EX. 6, 7c

Williamson. WDA.

25661.

EX. 6, 7c

home-place phone.

EX. 6, 7c

live there

EX. 6, 7c

EX. 6, 7c

live at their No.

Now. Can not live

in home.

EX. 6, 7c

Order me on

EX. 6, 7c

that live with me.

Ex. 6, 7c

9/17/15.

Please help me
to get me home
back they home
again my home
land. home how
to be to an down
by feel yr. health
now and to other
people in valley.
besides me

Ex. 6, 7c

that take money to get
my down I am

Ex. 6, 7c

Ex. 6, 7c

Thank you

Ex. 6, 7c

WVA, Agency does report
Never hear from a
again. 10 months.
been at this. No help.
24th of Aug 2014.

Knizer drilling cone
walk over took picture
and I sent report from
Brandon mine. call
Never hear from.

Knizer drilling Sael
local coal Rd, road
Coal out of that Rd.

It just sample mess.
With agency get any thing
done.

b(6) Privacy

CHARLESTON WV 253
JUN 2015 PM 21



Director of the office of Civil
Rights.

U.S. Environmental Protection Agency.

Mail code 120/a

1200 Pennsylvania Ave., NW.

Washington D.C. 20460

Tyler
TJL
confidential
epa.gov

CHICAGO LEGAL CLINIC, INC.

South Chicago • Pilsen • Austin • Downtown

b(6) Privacy

b(6) Privacy

* also admitted in Indiana

June 29, 2015

Director of the Office of Civil Rights
United States Environmental Protection Agency
Mail Code 1201A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

By Email – Title VI Complaints@epa.gov

Re: Formal Complaint - Illinois Environmental Protection Agency, A Recipient of EPA Assistance

To The Director:

Please be advised that I represent the Southeast Environmental Task Force (SETF), a not-for-profit organization dedicated to environmental education, open space preservation and pollution prevention on the southeast side of Chicago, Illinois.¹ SETF's members include several individuals who live in neighborhoods immediately adjacent to the Agri-Fine facility, located at 2701 E. 100th Street, Chicago, IL 60617. Consequently, SETF is concerned about the compliance status of this facility, the potential effects of site activities on human health and environmental quality, and government oversight of facility operations.

Please accept this letter and the enclosed material as a formal Complaint that asserts the Illinois Environmental Protection Agency, a recipient of U.S. EPA assistance, engaged in discriminatory activity. This Complaint is being filed based on Illinois EPA's failure to engage in public participation as part of its decision to issue a Lifetime Operating Permit to Agri-Fine on or about January 2, 2015.² Based on IL EPA's failure to incorporate public participation as part of this final agency action, SETF asserts IL EPA acted in violation of Title VI, Section 601 of the 1964 Civil Rights Act, IL EPA's own

¹ See: <http://setaskforce.org/> The Southeast Environmental Task Force is located at 13300 S. Baltimore Avenue, Chicago, IL 60633. SETF's Executive Director is Peggy Salazar. SETF's phone number is 773-646-0436 and its fax number is 773-646-0997

² A true and accurate copy of this permit is attached to this Complaint.

environmental justice policies and IL EPA's commitments pursuant to United States Environmental Protection Agency Administrative Complaint Number 13R-10-R5.

The basis for this Complaint is as follows.

1. The IL EPA failed to provide an opportunity for public participation as part of issuing the January 2, 2015 lifetime operating permit to Agri-Fine despite clear evidence that the community in which Agri-Fine operates is an environmental justice community. According to U.S. EPA's ECHO database, the population within a one mile radius of the Agri-Fine is 61.3% African-American and 33.24% Hispanic Origin. Within one mile of the facility, 9,063 people of a total population of 15,949 people live below the poverty level. Similarly, the population within a three mile radius of the Agri-Fine is 68.44% African-American and 25.71% Hispanic Origin. Within three miles of the facility, 60,287 people of a total population of 121,673 people live below the poverty level. According to Illinois EPA's Environmental Justice Public Participation Policy, an environmental justice community is a community with a minority and/or low-income population greater than twice the statewide average, which is clearly the case in this situation. IL EPA's permitting action occurred in an environmental justice community.

2. The IL EPA failed to provide an opportunity for public participation as part of issuing the January 2, 2015 lifetime operating permit to Agri-Fine, contrary to IL EPA's own commitments to environmental justice. These commitments are expressed in IL EPA's own guidance, and in IL EPA's obligations as part of resolving United States Environmental Protection Agency Administrative Complaint Number 13R-10-R5.

In the resolution of United States Environmental Protection Agency Administrative Complaint Number 13R-10-R5, IL EPA made a commitment to revise its environmental justice public participation policy "...so that permitting activities in areas identified as potential EJ communities will be given an appropriate level of outreach...". As part of its subsequently revised Environmental Justice Public Participation Policy, IL EPA identified a series of public participation initiatives that apply to "all permitting transactions." None of these public participation initiatives were employed in the context of the Agri-Fine permitting process:

1. There was no early and meaningful public involvement throughout the permitting process.
2. There was no determination of the appropriate outreach based on factors like the type of permit, potential impact of the project, type of source or level of interest.
3. There is no evidence the permit applicant was encouraged to meet with community stakeholders, to provide notice and information about the project or to develop a Community Relations Plan.

4. IL EPA did not provide the community with information via mailed EJ notifications.
5. IL EPA did not make or distribute fact sheets or project summaries.
6. IL EPA did not develop or publish a Public Notice.
7. IL EPA did not conduct an informational meeting or a public hearing.
8. IL EPA did not publish a draft permit for public review.
9. IL EPA did not have a public written comment period on the permit.
10. Prior to issuing the permit, IL EPA did make any effort to make information available to residents in a timely and efficient manner.

3. The IL EPA failed to provide an opportunity for public participation as part of issuing the January 2, 2015 lifetime operating permit to Agri-Fine despite a pending enforcement action in the Circuit Court of Cook County, Illinois. The Complaint in this enforcement action alleges, among other violations, that Agri-Fine released significant and harmful contaminants into the air that were documented from January, 2011 to October, 2014. These releases included air pollutants that directly affect the quality of life for residents of nearby neighborhoods.

On November 28, 2014, the Illinois Attorney General initiated a lawsuit against Agri-Fine³ in the Circuit Court of Cook County.⁴ The Plaintiff in this case is The People of the State of Illinois represented by the Illinois Attorney General (“AG”). Upon information and belief, the AG initiated this lawsuit at the request of the Illinois Environmental Protection Agency. The lawsuit alleges Agri-Fine’s does not comply with several requirements that originate in the Clean Air Act, the Illinois Environmental Protection Act and/or the facility’s own air permit.⁵ The specific categories of alleged violations are:

Agri-Fine released significant and harmful contaminants into the air that were documented from January, 2011 to October, 2014. These releases included air

³ Agri-Fine processes corn, soybean, cottonseed and canola soapstock to produce animal feed products. Agri-Fine utilizes an acidification process to release oil from emulsified mixture. It then adds sulfuric acid and heats the mixture to 200 degrees Fahrenheit for approximately two hours. Each batch settles overnight, during which time the oil and another product called interphase separate from the water. The oil and interphase are placed into finished storage tanks. Wastewater is treated to remove fats, oils and grease prior to discharge into the sewer system.

⁴ People of the State of Illinois, ex rel. Lisa Madigan, Attorney General of the State of Illinois v. Agri-Fine, Inc., an Illinois Corporation, In The Circuit Court of Cook County, Illinois, County Department, Chancery Division, 2014CH18557.

⁵ Air emission units at the Agri-Fine facility include rail car loading and unloading operations, numerous steam-heated primary and secondary storage tanks, a steam-heated biodiesel feedstock tank, 24 processing vats and two natural gas-fired boilers. There are also potential sources of fugitive particulate emissions including unpaved roads, conveyor systems and storage piles.

pollutants that directly affect the quality of life for residents of nearby neighborhoods.

Agri-Fine added new two industrial boilers, a steam-heated biodiesel feedstock tank and twenty-five storage tanks to its facility without first seeking and obtaining a construction permit from the IL EPA. The purpose of the construction permit is to ensure the new units will control air pollution in a legally adequate manner.

Agri-Fine operated the new boilers, the feedstock tank, loading and unloading equipment, and storage tanks without an adequate operating permit, which would include emission limits, mandate pollution controls and require monitoring, recordkeeping and reporting.

Agri-Fine operated the new boilers without providing notice to the Illinois EPA, a requirement that applies to natural-gas powered electric generating units.

Agri-Fine's emissions of hydrogen sulfide exceeded the limits in its existing operating permit in 2011 and 2012.

Agri-Fine failed to compile up-to-date information about its fugitive particulate matter emissions, and neither maintained this information itself nor reported this information to the IL EPA.

Agri-Fine failed to develop an adequate fugitive particulate matter operating program, designed to minimize releases of particulate matter into the air from sources like unpaved roads, storage piles and material conveyor systems.

The Complaint seeks monetary penalties and injunctive relief.

4. The IL EPA failed to provide an opportunity for public participation as part of issuing the January 2, 2015 lifetime operating permit to Agri-Fine despite clear evidence in IL EPA's own records regarding the potentially significant, adverse and disproportionate impact of facility emissions on the residents of an environmental justice community. In support of this grievance, SETF attaches and incorporates by reference an inventory of information in IL EPA's own records at the time that it issued the permit on January 2, 2015. These records provide compelling evidence of the effects of the permitted facility on the surrounding environmental justice neighborhood, the basis for IL EPA's ongoing concerns about facility compliance and the high level of community interest in this matter.

5. SETF attempted to resolve its Complaint by using the Illinois EPA's Environmental Justice Grievance Procedure. However, as of the date of filing this Complaint with OCR, Illinois EPA has not issued a final decision regarding SETF's grievance. Consequently, SETF is filing this Complaint with OCR to act within OCR's 180-day deadline.

I look forward to receiving OCR's confirmation of receipt of this Complaint, and to providing any additional information OCR requests as it investigates this Complaint.

Sincerely,

Ex. 6, 7c

Keith Harley
Attorney for the Southeast Environmental Task Force

Enc

cc:

Lisa Bonnett, Director
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Kenneth Page, Environmental Justice Officer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217/785-1705

LIFETIME OPERATING PERMIT - NSPS Source - REVISED

Agri-Fine Corporation
Attn: Ron Lullo
2701 East 100th Street
Chicago, Illinois 60617

Applicant No.: 86050044

I. D. No.: 031600FDX

Applicant's Designation:

Date Received: September 30, 2014

Subject: Soap acidulation process

Date Issued: January 2, 2015

Expiration Date: See Condition 1.

Location: 2701 East 100th Street, Chicago, Cook County, 60617

Permit is hereby granted to the above-designated Permittee to OPERATE emission source(s) and/or air pollution control equipment consisting of:

Soapstock acidulation process with scrubber includes

Twenty four (24) 15,000 gallon process reactors (R1 - R24)

Two (2) 11.9 mmBtu/hr Natural gas fired steam generators

Two (2) Sulfuric Acid Tanks (T1 (9,300 gallon) and T2 (8,900 gallon))

pursuant to the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

- 1a. This operating permit shall expire 180 days after the Illinois EPA sends a written request for the renewal of this permit.
- b. This permit shall terminate if it is withdrawn or is superseded by a revised permit.
- 2a. The two (2) natural gas-fired steam generators (11.9 mmBtu/hr, each) are subject to a New Source Performance Standard (NSPS) for Small Industrial - Commercial - Institutional Steam Generating Units, 40 CFR Part 60 Subparts A and Dc. The Illinois EPA is administering NSPS in Illinois on behalf of the United States EPA under a delegation agreement.
- b. The Permittee shall comply with the applicable requirements of 40 CFR Part 60 Subparts A and Dc.
3. At all times, the Permittee shall, to the extent practicable, maintain and operate the above listed equipment, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.
- 4a. No person shall cause or allow any visible emissions of fugitive particulate matter from any process, including any material handling or storage activity beyond the property line of the emission source, pursuant to 35 Ill. Adm. Code 212.301.
- b. The Permittee shall operate the source in such a way that the opacity does not exceed the limits specified in 35 Ill. Adm. Code 212.123.

Page 2

- c. No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit which, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the allowable emission rates specified in 35 Ill. Adm. Code 212.321 (c) (35 Ill. Adm. Code 212.321).
5. In the event that the operation of the emission unit(s) results in an odor nuisance, the Permittee shall take appropriate and necessary actions to minimize odors, including but not limited to, changes in material or installation of controls, in order to eliminate the odor nuisance.
- 6a. Operation and emissions from the soapstock acidulation process shall not exceed the following limits:

Pollutant	Emission Factor	Emissions	
	(lbs/hr)	(Tons/Mo)	(Tons/Yr)
Hydrogen Sulfide (H ₂ S)	0.79	0.70	6.92
Sulfur Dioxide (SO ₂)	0.063	0.06	0.56
Volatile Organic Material (VOM)	1.92	1.69	16.32

These limits are based on emission factors based on testing (applicant requested twice the amount be used to calculate emission limits), maximum throughput of 212,615 tons/yr and the maximum hours of operation (8,760 hr/yr), and the application.

- b. Emissions and operation of two 11.9 mmBtu/hr natural gas-fired steam generators shall not exceed the following limits:
- i. Natural Gas Usage: 21.0 mmscf/month, 208.5 mmscf/year.
- ii. Emissions from the combustion of natural gas:

Pollutant	Emission Factor	Emissions	
	(lbs/mmscf)	(Tons/Mo)	(Tons/Yr)
Carbon Monoxide (CO)	84.0	0.88	8.76
Nitrogen Oxides (NO _x)	100.0	1.05	10.42
Particulate Matter (PM)	7.6	0.08	0.79
Sulfur Dioxide (SO ₂)	0.6	0.01	0.06
Volatile Organic Material (VOM)	5.5	0.06	0.57

These limits are based on the maximum fuel usage and standard emission factors (Tables 1.4-1 and 1.4-2, AP-42, Fifth Edition, Volume I, Supplement D, July 1998).

- c. Compliance with the annual limits of this permit shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total).

Page 3

- 7a. The Permittee shall, in accordance with the manufacturer(s) and/or vendor(s) recommendations, perform periodic inspections and maintenance on the equipment covered under this permit such that the equipment be kept in proper working condition and not cause a violation of the Environmental Protection Act or regulations promulgated therein.
- b. Pollution control devices shall be in operation at all times when the associated emission unit(s) is in operation and emitting air contaminants.
8. Pursuant to 35 Ill. Adm. Code 218.301, no person shall cause or allow the discharge of more than 8 lbs/hour of organic material into the atmosphere from any emission source, except as provided in Sections 218.302, 218.303, 218.304, and the following exception: If no odor nuisance exists this limitation shall apply only to photochemically reactive material.
9. The Permittee shall maintain monthly records of the following items:
 - a. Names and amounts of raw material used (tons/month, tons/year);
 - b. VOM content of raw materials used (weight %); and
 - c. PM and VOM emissions from the source with supporting calculations (tons/month, tons/year).
10. All records and logs required by this permit shall be retained at a readily accessible location at the source for at least three years from the date of entry and shall be made available for inspection and copying by the Illinois EPA or USEPA upon request. Any records retained in an electronic format (e.g., computer) shall be capable of being retrieved and printed on paper during normal source office hours so as to be able to respond to the Illinois EPA request for records during the course of a source inspection.
11. If there is an exceedance of the requirements of this permit as determined by the records required by this permit, the Permittee shall submit a report to the Illinois EPA's Compliance Section in Springfield, Illinois within 30 days after the exceedance. The report shall include the emissions released in accordance with the recordkeeping requirements, a copy of the relevant records, and a description of the exceedance or violation and efforts to reduce emissions and future occurrences.
12. One (1) copy of required reports and notifications shall be sent to:

Illinois Environmental Protection Illinois EPA
Division of Air Pollution Control
Compliance Section (#40)
P.O. Box 19276
Springfield, Illinois 62794-9276

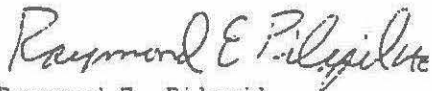
Page 4

13. Persons with lifetime operating permit must obtain a revised permit to any of the following changes at the source:
- a. An increase in emissions above the amount the emission unit or the source is permitted to emit;
 - b. A modification;
 - c. A change in operation that will result in the source=s noncompliance with a condition in the existing permit;
 - d. A change in ownership, company name, or address, so that the application or existing permit is no longer accurate.

It should be noted that the thirty-four (34) storage tanks are exempt from state permit requirements pursuant to 35 Ill. Adm. Code 201.146(n)(2).

This permit has been revised to include the operation of the twenty four process vessels and two 11.9 mmBtu/hr natural gas fired steam generators.

If you have any questions on this, please call Jocelyn Stakely at 217/785-1705.



Raymond E. Pilapil
Acting Manager of Permit Section
Division of Air Pollution Control

Date Signed: 01-02-2015

REP:JRS:jws

cc: Region 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SETTLEMENT AGREEMENT FOR
ADMINISTRATIVE COMPLAINT NO.
13R-10-R5

I. PURPOSE

- A. This Agreement is entered into by the Illinois Environmental Protection Agency (IEPA) and the United States Environmental Protection Agency (USEPA) Office of Civil Rights (OCR) to resolve administrative complaint number 13R-10-R5, which was filed with USEPA on May 5, 2010, by Keith Harley on behalf of South Suburban Citizens Opposed to Polluting our Environment (SS-COPE) pursuant to Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.* and USEPA's implementing regulations at 40 C.F.R. Part 7. By letter dated July 23, 2010, OCR accepted the complaint for investigation.
- B. The parties to this Agreement, IEPA and USEPA, are entering into a settlement, to resolve the identified issues and avoid the burdens and expense of further investigation and possible litigation. The parties' signatures on this document are evidence of their agreement to this settlement.
- C. The IEPA is committed to carrying out its responsibilities in a nondiscriminatory manner, in accordance with the requirements of Title VI and USEPA regulations at 40 C.F.R. Part 7. The activities detailed in Paragraphs III.A.1.(a)-(i) of this Agreement, which IEPA has voluntarily agreed to undertake and implement, are in furtherance of this commitment. The Director, in her capacity as an official of IEPA, has the authority to enter into this Agreement for purposes of carrying out the activities listed in the following paragraphs.

II. JURISDICTION

- A. Title VI prohibits recipients of Federal financial assistance from conducting their programs or activities in a manner that discriminates on the basis of race, color, or national origin. IEPA is a recipient of financial assistance from USEPA and is subject to the provisions of Title VI and USEPA's implementing regulations.
- B. This Agreement is entered into by USEPA pursuant to the authority granted to it under Title VI and its implementing regulations to investigate administrative complaints alleging discrimination by recipients of USEPA financial assistance and to resolve such complaints using voluntary, non-adversarial means.

III. SPECIFIC COMMITMENTS

A. IEPA voluntarily agrees to undertake the following specific commitments with respect to permitting, public participation, and environmental justice.

1. IEPA will expand the scope of its Environmental Justice Public Participation Policy (EJ PPP), as well as the activities conducted pursuant to the EJ PPP as follows:

- a) Within (180) days of the effective date of this settlement, IEPA will revise its EJ PPP so that permitting activities in areas identified as potential EJ communities will be given an appropriate level of outreach as described below. IEPA will identify potential EJ communities using best available screening methods, which includes IEPA demographic criteria prior to any permitting activity as described in paragraph b). The Illinois EPA will implement the revised EJ PPP within (30) days of said revision.**
- b) The revised EJ PPP shall provide for notice to the public (e.g., posting to the IEPA website, letter to community and EJ leaders, etc.) for proposed construction or operating permits that are non-administrative in nature and where the source has been issued a Violation Notice by the IEPA for any violation classified as a "High Priority Violation" under USEPA's guidance within the two years immediately preceding the proposed permit. If there is specific public interest in response to the aforementioned notice to the public, the IEPA will conduct appropriate public outreach as necessary to assure nondiscriminatory public participation in review and comment on the proposed permit, such as – but not limited to – providing a public hearing, public availability session or public meeting.**
- c) Within (180) days of the effective date of this agreement, IEPA will post information on its website concerning grievances received pursuant to IEPA's EJ Grievance Procedure and the IEPA's response.**
- d) Within 1 year of the effective date of this settlement, IEPA will complete the redesign of its online permit tracking system webpage to further facilitate the implementation of the EJ PPP. IEPA shall create a system that will identify all projects in potential EJ communities and notify IEPA's EJ Officer who will determine the appropriate outreach activities.**
- e) By September 1, 2013, IEPA shall submit to USEPA and USEPA Region 5, an Interim Status Report that includes its progress relative to each term included within this settlement. The Interim Status Report shall state with specificity all actions/steps that IEPA has taken to address section III.A.1. of this agreement, associated dates, and all relevant supplemental materials**

and references indicating the status with this agreement (e.g., examples of public notice and public hearings, revised EJ PPP, etc).

- f) Within (60) days of USEPA's receipt of the Interim Report, the USEPA will review the Interim Report and provide any recommendations to IEPA.
- g) Within (90) days of IEPA's receipt of any USEPA recommendations, IEPA shall implement USEPA recommendations, or present to USEPA IEPA's alternative options for complying with the agreement, or provide a written explanation for why USEPA's recommendations are not necessary for IEPA to comply with the settlement agreement.
- h) On or before the date which is 1 year from the signing of this agreement by both parties, IEPA shall submit to USEPA and USEPA Region 5 its Final Report. The Final Report shall include IEPA's progress in meeting each term set forth in this settlement. The Final Report shall state with specificity all actions/steps that IEPA has taken to address section III.A.1. of this agreement, associated dates, and all relevant supplemental materials and references indicating the status with this agreement. IEPA may have one extension to submit this report if necessary to accomplish the tasks set forth in this settlement agreement, but such extension shall not exceed (60) days from the Final Report deadline.
- i) Once IEPA believes it has satisfied all terms and conditions of this Agreement and has submitted all necessary documentation, it shall submit a letter to the Director of OCR so stating. USEPA shall provide, within (60) days of receipt of IEPA's letter, written notice to IEPA of whether IEPA has or has not satisfied all terms and conditions of this Agreement. This Agreement shall be considered complete upon USEPA's written notice to IEPA that all terms and conditions of this Agreement have been satisfied or, if USEPA fails to respond to the letter, (90) days after USEPA received the letter.

IV. EFFECT OF AGREEMENT

- A. This Agreement does not constitute an admission by IEPA or a finding by USEPA of any violations of 40 C.F.R. Part 7 with regard to the complainants' allegations. The effect of this Agreement is to memorialize IEPA's commitment to resolve the issues raised in administrative complaint number 13R-10-R5.
- B. In consideration of IEPA's implementation of, and adherence to, the provisions of this Agreement, USEPA will close administrative complaint number 13R-10-R5. USEPA retains the right to accept and investigate any future Title VI complaints alleging discriminatory acts not contained in administrative complaint number 13R-10-R5 with respect to IEPA's programs or activities.

- C. If either IEPA or USEPA desires to modify any portion of this Agreement because of changed conditions making performance impractical or impossible, or due to material change to IEPA's or USEPA's program or authorities, or for other good cause, the party seeking a modification shall promptly notify the other in writing, setting forth the facts and circumstance justifying the proposed modification. Any modification(s) to this Agreement shall take effect only upon written agreement by the Director of IEPA and the Director of OCR at USEPA.
- D. This Agreement constitutes the entire Agreement between IEPA and USEPA regarding the matters addressed herein, and no other statement, promise, or Agreement, made by any other person shall be construed to change any commitment or term of this Agreement, except as specifically agreed to by IEPA and the USEPA. Additionally, this Agreement is a public document. A copy of this Agreement and any information contained in it may be made available to any person by IEPA or USEPA on request under the Freedom of Information Act or otherwise.
- E. If USEPA determines that IEPA has not satisfied a term or condition of this Agreement, or if a submission provided by IEPA under this Agreement lacks sufficient detail for USEPA to make the determination, USEPA shall promptly notify IEPA of that determination in writing. If the parties are unable to reach a mutually agreeable resolution regarding USEPA's determination, USEPA may reinstitute its administrative process consistent with 40 C.F.R. Part 7.
- F. This Agreement does not affect IEPA's continuing responsibility to comply with Title VI of the Civil Rights Act of 1964 and USEPA's implementing regulations, nor does it affect USEPA's responsibility to investigate any allegations in Title VI complaints against IEPA other than those addressed herein. Furthermore, this Agreement does not address any matter not specifically covered by the terms of this Agreement, nor does it constitute a finding that the actions to be taken herein by themselves will absolve IEPA from further actions to ensure compliance with Title VI or 40 C.F.R. Part 7.

The effective date of this Agreement is the date on which the parties affix their signatures below. This Agreement may be signed in counterparts. The Director of IEPA and the Director of OCR at USEPA have the authority to enter into this Agreement on behalf of their agencies.

V. CONTACTS

For purposes of this settlement the points of contact for IEPA and USEPA are listed as follows:

IEPA

Chris Pressnall
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544
chris.pressnall@illinois.gov

USEPA

Helena Wooden-Aguilar
Assistant Director
USEPA-OCR (External Civil Rights)
(Mail Code 1201A), 1200 Pennsylvania Avenue N.W.,
Washington D.C. 20460
(202) 564-0792
wooden-aguilar.helena@epa.gov

VI. NOTICE

Where notice is required by this Settlement, by certified mail, each signatory to this settlement should use the following address for:

IEPA

Director Lisa Bonnett
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-3397

FOR EPA

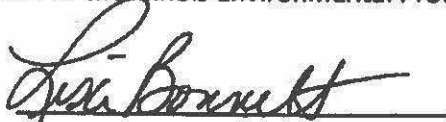
Acting Director, USEPA Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue N.W., Washington D.C. 20460

And

Director, USEPA Region 5 Office of Enforcement and Compliance Assurance (OECA)(Mail Code E-19J), 77 West Jackson Boulevard, Chicago, Ill. 60604

SIGNATURES

On behalf of the Illinois Environmental Protection Agency,

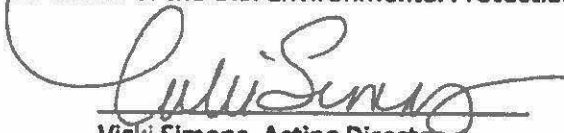


Lisa Bonnett

Date

4/4/13

On behalf of the U.S. Environmental Protection Agency,



Vicki Simons, Acting Director

Office of Civil Rights

Date

4/8/13

ENVIRONMENTAL JUSTICE PUBLIC PARTICIPATION POLICY

I. TITLE: Environmental Justice Public Participation Policy

II. PURPOSE: The purpose of this policy is to explain the Illinois Environmental Protection Agency's (Illinois EPA or Agency) approach to involving the public in communities located in areas identified as potential Environmental Justice (EJ) areas by the Illinois EPA¹ in accordance with the Agency's EJ policy (www.epa.state.il.us/environmental-justice/policy.html), the Illinois EPA EJ Public Participation Procedure² and the Illinois EPA Environmental Justice Start tool³. The Illinois EPA's EJ public participation policy predominately addresses public outreach in the context of permitting transactions but can be applied likewise to additional Illinois EPA matters, including enforcement actions or remediation projects.

III. RESPONSIBLE PERSON: The Environmental Justice Officer shall have the primary responsibility for coordinating all EJ efforts on behalf of the Illinois EPA and shall act as the spokesperson for the Illinois EPA on EJ. The Office of Community Relations will have a lead role in preparing the EJ public participation plans, establishing local repositories and conducting community meetings. The Bureaus and the Office of Community Relations will coordinate on the preparation and issuance public notices and fact sheets. Projects with significant public interest will require the Office of Community Relations and the bureaus to work together in preparing public hearing notices and fact sheets.

The EJ Officer is the contact person for citizens and communities in potential EJ areas. The EJ Officer will serve as a liaison between the citizen or community and the relevant Illinois EPA personnel to seek resolution of any EJ issues.

IV. COVERED ACTIVITIES

¹ "For the purposes of this document, a "potential" EJ community is a community with a low-income and/or minority population greater than twice the statewide average. In addition, a community may be considered a potential EJ community if the low-income and/or minority population is less than twice the state-wide average but greater than the statewide average and it has identified itself as an EJ community. If the low-income and/or minority population percentage is equal to or less than the statewide average, the community should not be considered a potential EJ community."

² The Illinois EPA EJ Public Participation Procedure is the Agency's internal procedure for conducting outreach activities.

³ The Illinois EPA EJ Start tool is an internal computer based geographic and demographic tool utilized by the Agency to determine whether a given source is in or near a potential EJ area.

A. Permitting transactions.

1. Illinois EPA's EJ public participation policy applies to all permitting transactions.
2. Illinois EPA is committed ensuring appropriate level of outreach as discussed below if the source involved in the permitting transaction is a High Priority Violator per USEPA guidance or is the subject of an enforcement action (i.e., has been referred to a prosecutorial agency such as the Illinois Attorney General's Office).

B. Remediation Projects in the Bureau of Land (except for projects covered by the Superfund Community Involvement Policy).

C. Complaint Investigations

1. Illinois EPA will timely respond to complaints from EJ communities.
2. Illinois EPA will apprise complainants of the results of the investigations including providing copies of inspection reports and any correspondence, such as a Violation Notice, sent to the source of concern.

D. Enforcement

1. Much of the enforcement process consists of confidential communications between the Illinois EPA, the Attorney General's Office, and the alleged violator. However, the Division of Legal Counsel will determine what types of enforcement decisions can be communicated to the public, when and how.
2. Illinois EPA will continue to solicit ideas for the Supplemental Environmental Project Bank for EJ Communities.
3. Databases of ongoing enforcement cases and compliance histories are available on-line at www.epa.state.il.us/enforcement/orders/.

V. COMMUNITY OUTREACH PROCEDURES

- A. An effective public participation strategy emphasizes early and meaningful public involvement throughout the permitting process.
- B. The Illinois EPA will determine the appropriate outreach, if any, based on, among other considerations, the type of permit, potential impact of the project, type of source and level of interest.
- C. Each Bureau will review all permit applications and other actions identified herein to determine whether the action will take place in a defined EJ area as determined by the Illinois EPA EJ Start tool.

D. Public participation options in potential EJ areas

1. Community Outreach

- a. For permitting transactions, Illinois EPA will encourage the permit applicant(s) to meet with community stakeholders to promote open dialogue early in the permitting process for appropriate permitting actions. As discussed below, preferably initial public outreach occurs prior to the submission of a permit application.
 - i. In such cases, the applicant(s) will be encouraged to provide notice to residents located in and around a defined EJ area about the pending permit application and the proposed project, and to provide basic information about the project to interested residents.
 - ii. The applicant(s) are encouraged to develop a Community Relations Plan to structure ongoing dialogue with neighboring communities.
- b. Illinois EPA will provide the community with information regarding proposed projects via EJ notifications, which are mailed to community leaders, public officials, environmental groups, concerned citizens and the affected source.
- c. Illinois EPA will make fact sheets available on the Agency's webpage or via a link from the Agency's webpage when appropriate. Written information will be made available for persons without internet access when requested.
- d. Public Notices will be written in terminology and languages easily understood by the majority of readers, except where specific public notice language is otherwise required. When required, notices will be placed in legal notice sections or other sections of local publications.

2. Public Meetings

- a. Informational meetings – The Illinois EPA and/or the source may hold an informational meeting or availability session.
 - i. For permitting transactions, the purpose of the meeting is to inform the residents in and around a potential EJ Area of the scope and nature of the project in a timely, interactive manner and explain the permitting process. Informational meetings

may be held prior to a public hearing or may be held when a public hearing is not required.

- ii. Informational meetings may also be held to explain enforcement related matters, remediation projects or other Illinois EPA activities that are of concern to the public.

- b. Public hearings – The Illinois EPA will make a good faith effort to provide an interpreter when it is known that residents do not speak English very well or when the Illinois EPA receives a request for an interpreter within two weeks of any public hearing or meeting and when the need for an interpreter is adequately justified.

3. Fact Sheet and Project Summary

- a. Illinois EPA will provide a plain language summary of the major aspects of the proposed project, including the purpose and location of the proposed activity and facility, and any anticipated environmental impacts, and any controls or work practices that will limit those impacts.
- b. As appropriate, the Illinois EPA will translate fact sheets into the predominate language of the community if it is not English.

4. Document Availability

- a. The Illinois EPA will take every effort to make information available to residents in potential EJ Areas in a timely and efficient manner.
- b. The Illinois EPA may create document repositories, place information on the Internet and provide information through the Illinois Freedom of Information Act.

IN THE CIRCUIT COURT FOR COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT; CHANCERY DIVISION

FILED - 1
2014 NOV 18 PM 12:05
CLERK OF COURT
JULIE A. BROWN

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. **b(6) Privacy**
General of the State of Illinois,

Plaintiff,

v.

AGRI-FINE, INC.,
an Illinois corporation,

Defendant.

No.

2014CH18557
CALENDAR/ROOM 06
TIME 00:00
Injunction

COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES

The PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* **b(6) Privacy**, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), complains of the Defendant, AGRI-FINE, INC., an Illinois corporation, as follows:

COUNT I

AIR POLLUTION

1. This Count is brought on behalf of the People of the State of Illinois, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois EPA, against Defendant Agri-Fine, Inc., an Illinois corporation (the "Defendant"), pursuant to the terms and provisions of Sections 42(d) and (e) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42(d) and (e) (2012).

2. The Illinois EPA is an administrative agency of the State of Illinois, created by

Section 4 of the Act, 415 ILCS 5/4 (2012), and charged, inter alia, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, the Defendant has been and is an Illinois corporation, operating at 2701 East 100th Street, Chicago, Cook County, Illinois (the "Site"). Residential neighborhoods are located approximately one block to the west and ½ mile to the east of the Site.

4. At all times relevant to this Complaint, the Defendant has processed corn, soybean, cottonseed and canola soapstock to produce animal feed products. Soapstock consists of approximately 60% water and 40% oil. At all times relevant to this Complaint, the Defendant has utilized an acidulation process to release the oil from emulsified mixture. The Defendant adds sulfuric acid and heats the mixture to 200 degrees Fahrenheit for approximately two hours. The Defendant allows each batch to settle overnight, during which time the oil and an intermediate product, interphase, separates from the water. The Defendant places the oil and interphase into finished product tanks, and further processes any wastewater to remove fats, oils and grease prior to discharge to a sanitary sewer.

5. Emission units at the Site include rail car loading and unloading operations, numerous steam-heated primary and secondary storage tanks, a steam-heated biodiesel feedstock tank, 24 processing vats controlled by a scrubber and two natural gas-fired boilers.

6. Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to

violate regulations or standards adopted by the Board under this Act.

7. Section 201.141 of the Illinois Pollution Control Board's ("Board") Air Pollution Regulations, 35 Ill. Adm. Code 201.141, provides as follows:

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

8. Section 3.315 of the Act, 415 ILCS 5/3.315 (2012), provides as follows:

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

9. The Defendant is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2012).

10. Section 3.165 of the Act, 415 ILCS 5/3.165 (2012), provides as follows:

"Contaminant" is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

11. Section 3.115 of the Act, 415 ILCS 5/3.115 (2012), provides as follows:

"Air pollution" is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

12. On various dates between January 31, 2011 and October 30, 2014, and such other dates better known to Defendant, odors from the Defendant's operations discharged or emitted

from the Site into the surrounding neighborhood, which caused residents to (a) have difficulty breathing, headaches and nausea and (b) not be able to be outside in their yards or neighborhood.

13. Odors from the Defendant's operations constitute a "contaminant" as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2012).

14. The discharge or emission of such odors from the Site that unreasonably interfered with residents enjoyment of life and/or property constitutes "air pollution," as that term is defined in Section 3.115 of the Act, 415 ILCS 5/3.115 (2012).

15. By causing, threatening or allowing the discharge or emission of odors into the environment so as to cause air pollution, the Defendant violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141.

16. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this honorable Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against the Defendant, AGRI-FINE, INC., as follows:

1. Finding that the Defendant has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

2. Enjoining the Defendant from any further violations of Section 9(a) of the Act,

415 ILCS 5/9(a) (2012), and Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

3. Ordering the Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

5. Ordering the Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT II

FAILURE TO OBTAIN A CONSTRUCTION PERMIT AND PAY APPLICATION FEE

1-10. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 5, 8 through 11 and 13 of Count I as paragraphs 1 through 10 of this Count II.

11. Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), provides, in pertinent part, as follows:

No person shall:

* * *

- b. Construct, install, or operate any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air

pollution or designed to prevent air pollution, of any type designated by Board regulations, (1) without a permit granted by the Agency . . . or (2) in violation of any conditions imposed by such permit.

12. Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142, provides:

No person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment, without first obtaining a construction permit from the Agency, except as provided in Sections 201.146 or Section 201.170(b) of this Part.

13. Section 9.12 of the Act, 415 ILCS 5/9.12 (2012), provides, in pertinent part, as follows:

- (a) An applicant for a new or revised air pollution construction permit shall pay a fee, as established in this Section, to the Agency at the time that he or she submits the application for a construction permit.

* * *

- (j) If the owner or operator undertakes construction without obtaining an air pollution construction permit, the fee under this Section is still required. Payment of the required fee does not preclude the Agency or the Attorney General or other authorized persons from pursuing enforcement against the applicant for failure to have an air pollution construction permit prior to commencing construction.

14. In 2007, and on such dates better known to the Defendant, the Defendant constructed two natural gas-fired boilers, a steam-heated biodiesel feedstock tank and twenty-four (24) fiberglass storage tanks at the Site, without first obtaining a construction permit from the Illinois EPA, in violation of Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142.

15. In 2007, and on such dates better known to the Defendant, the Defendant constructed two natural gas-fired boilers, a steam-heated biodiesel feedstock tank and twenty-four (24) fiberglass storage tanks at the Site without paying the required construction permit fees, in violation of Section 9.12(j) of the Act, 415 ILCS 5/9.12(j) (2012).

16. By violating Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142, the Defendant also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2012).

17. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this honorable Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against the Defendant, AGRI-FINE, INC., as follows:

1. Finding that the Defendant has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), Section 9.12(j) of the Act, 415 ILCS 5/9.12(j) (2012), and Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142;

2. Enjoining the Defendant from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), Section 9.12(j) of the Act, 415 ILCS 5/9.12(j) (2012), and Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142;

3. Ordering the Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9(b) of the Act, 415

ILCS 5/9(b) (2012), Section 9.12(j) of the Act, 415 ILCS 5/9.12(j) (2012), and Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142;

4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

5. Ordering the Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT III

FAILURE TO OBTAIN AN OPERATING PERMIT

1-11. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 5, 8 through 11 and 13 of Count I and paragraph 11 of Count II as paragraphs 1 through 11 of this Count III.

12. Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143, provides:

No person shall cause or allow the operation of any new emission source or new air pollution control equipment of a type for which a construction permit is required by Section 201.142 without first obtaining an operating permit from the Agency, except for such testing operations as may be authorized by the construction permit. . . .

13. In 2007, and on such dates better known to the Defendant, the Defendant operated rail car loading and unloading, numerous primary and secondary storage tanks, twenty four (24) processing vats controlled by a scrubber, a steam-heated biodiesel feedstock tank and two natural

gas-fired boilers without first obtaining an operating permit from the Illinois EPA in violation of Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143.

14. By violating Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143, the Defendant also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2012).

15. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this honorable Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against the Defendant, AGRI-FINE, INC., as follows:

1. Finding that the Defendant has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), and Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143;

2. Enjoining the Defendant from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), and Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143;

3. Ordering the Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), and Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143;

4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

5. Ordering the Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT IV

FAILURE TO SUBMIT NOTIFICATION REGARDING NATURAL GAS-FIRED BOILERS

1-11. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 5, 8 through 11 and 13 of Count I and paragraph 14 of Count II as paragraphs 1 through 11 of this Count IV.

12. Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2012), provides, in pertinent part:

(d) No person shall:

- (1) violate any provisions of Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto; or
- (2) construct, install, modify or operate any equipment, building, facility, source or installation which is subject to regulation under Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, except in compliance with the requirements of such Sections and federal regulations adopted pursuant thereto, and no such action shall be undertaken (A) without a permit granted by the Agency . . . or (B) in violation of any conditions imposed by such permit. Any denial of such a permit or any conditions imposed in such a permit shall be reviewable by the Board in accordance with Section 40 of

this Act.

13. Section 111 of the Clean Air Act establishes the New Source Performance Standards ("NSPS"). The NSPS regulations are codified in Title 40, Part 60 of the Code of Federal Regulations ("NSPS Regulations"). The Illinois EPA administers the NSPS for subject sources in Illinois pursuant to a delegation agreement with the United States Environmental Protection Agency ("USEPA").

14. The NSPS Regulations governing Fossil-Fuel-Fired Steam Generators are found in Subpart D of Title 40, Part 60. Section 60.48c(a) of the Code of Federal Regulations, 40 C.F.R. 60.48c(a), provides, in pertinent part, as follows:

- (a) The owner or operator of each affected facility shall submit notification of the date of construction or reconstruction and actual startup. . . .

15. Section 60.2 of the Code of Federal Regulations, 40 C.F.R. 60.2, provides the following definition:

Affected facility means, with reference to a stationary source, any apparatus to which a standard is applicable.

16. The two natural gas-fired boilers at the Site constitute an "affected facility" as that term is defined in Section 60.2 of the Code of Federal Regulations, 40 C.F.R. 60.2.

17. The Defendant failed to submit notification to the Illinois EPA of the date of construction and actual startup of the two natural gas-fired boilers in violation of Section 60.48c(a) of the NSPS Regulations, 40 C.F.R. 60.48c(a), thereby violating Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2012).

18. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably

injured and violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this honorable Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against the Defendant, AGRI-FINE, INC., as follows:

1. Finding that the Defendant has violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9(d)(1) (2012), and Section 60.48c(a) of the NSPS Regulations, 40 C.F.R. 60.48c(a);
2. Enjoining the Defendant from any further violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9(d)(1) (2012), and Section 60.48c(a) of the NSPS Regulations, 40 C.F.R. 60.48c(a);
3. Ordering the Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9(d)(1) (2012), and Section 60.48c(a) of the NSPS Regulations, 40 C.F.R. 60.48c(a);
4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;
5. Ordering the Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as this Court deems appropriate and just.

COUNT V

OPERATING PERMIT VIOLATION

1-11. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 5, 8 through 11 and 13 of Count I and paragraph 11 of Count II as paragraphs 1 through 11 of this Count V.

12. On May 10, 1996, the Illinois EPA issued an Operating Permit for Smaller Source to the Defendant for the Site numbered 86050044 ("Operating Permit No. 86050044").

13. Condition 2 of Operating Permit No. 86050044 provides, in pertinent part, as follows:

Emissions of sulfur dioxide and hydrogen sulfide shall not exceed 0.6 and 0.3 tons/year, respectively. These limits are based on the maximum emission rate (0.3 lb/hr sulfur dioxide and 0.16 lb/hr hydrogen sulfide) and the maximum hours of operation (5,824 hr/yr).

14. In 2011 and 2012, and on such dates better known to the Defendant, emissions of hydrogen sulfide at the Site were at or higher than 1.77 tons/year, thereby violating Condition 2 of Operating Permit No. 86050044.

15. By violating Condition 2 of Operating Permit No. 86050044, the Defendant also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2012).

16. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this honorable Court enter a preliminary and, after trial, a permanent injunction in favor of

Plaintiff and against the Defendant, AGRI-FINE, INC., as follows:

1. Finding that the Defendant has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), and Condition 2 of Operating Permit No. 86050044;
2. Enjoining the Defendant from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), and Condition 2 of Operating Permit No. 86050044;
3. Ordering the Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), and Condition 2 of Operating Permit No. 86050044;
4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;
5. Ordering the Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as this Court deems appropriate and just.

COUNT VI

FAILURE TO KEEP, MAINTAIN AND SUBMIT RECORDS REGARDING FUGITIVE PARTICULATE MATTER EMISSION UNITS

1-11. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 6, 8 through 11 and 13 of Count I as paragraphs 1 through 11 of this Count VI.

12. Section 212.316(g) of the Board's Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.316(g), provides, in pertinent part, as follows:

g) Recordkeeping and Reporting

- 1) The owner or operator of any fugitive particulate matter emission unit subject to this Section shall keep written records of the application of control measures as may be needed for compliance with the opacity limitations of this Section and shall submit to the Agency an annual report containing a summary of such information.
- 2) The records required under this subsection shall include at least the following:
 - A) The name and address of the source;
 - B) The name and address of the owner and/or operator of the source;
 - C) A map or diagram showing the location of all emission units controlled, including the location, identification, length, and width of roadways;
 - D) For each application of water or chemical solution to roadways by truck: the name and location of the roadway controlled, application rate of each truck, frequency of each application, width of each application, identification of each truck used, total quantity of water or chemical used for each application and, for each application of chemical solution, the concentration and identity of the chemical;
 - E) For application of physical or chemical control agents: the name of the agent, application rate and frequency, and total quantity of agent and, if diluted, percent of concentration, used each day; and
 - F) A log recording incidents when control measures were not used and a statement of explanation.

* * *

- 4) The records required under this Section shall be kept and maintained for at least three (3) years and shall be available for inspection and copying by Agency representatives during working hours.

- 5) A quarterly report shall be submitted to the Agency stating the following: the dates any necessary control measures were not implemented, a listing of those control measures, the reasons that the control measures were not implemented, and any corrective actions taken. This information includes, but is not limited to, those dates when controls were not applied based on a belief that application of such control measures would have been unreasonable given prevailing atmospheric conditions, which shall constitute a defense to the requirements of this Section. This report shall be submitted to the Agency thirty (30) calendar days from the end of a quarter. Quarters end March 31, June 30, September 30, and December 31.

13. Unpaved roads and the parking area at the Site owned by the Defendant constitute fugitive particulate matter emission units.

14. The Defendant has failed to (a) keep and maintain any records of its fugitive particulate matter emission units for at least three years and (b) submit any annual and quarterly reports regarding its fugitive particulate matter emission units, thereby violating Section 212.316(g) of the Board's Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.316(g).

15. By violating Section 212.316(g) of the Board's Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.316(g), the Defendant also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012).

16. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests

that this honorable Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against the Defendant, AGRI-FINE, INC., as follows:

1. Finding that the Defendant has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Section 212.316(g) of the Board's Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.316(g);

2. Enjoining the Defendant from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Section 212.316(g) of the Board's Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.316(g);

3. Ordering the Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Section 212.316(g) of the Board's Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.316(g);

4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

5. Ordering the Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT VII

FAILURE TO AMEND AND MAINTAIN A CURRENT FUGITIVE PARTICULATE MATTER OPERATING PROGRAM

1. This Count is brought on behalf of the People of the State of Illinois, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois, on her own motion, against the Defendant, pursuant to the terms and provisions of Sections 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e) (2012).

2-7. Plaintiff realleges and incorporates by reference herein paragraphs 3 through 6 and 8 through 9 of Count I as paragraphs 2 through 7 of this Count VII.

8. Section 212.309(a) of the Illinois Pollution Control Board's regulations for fugitive particulate matter (the "Board Fugitive Particulate Matter Regulations"), 35 Ill. Adm. Code 212.309(a), provides as follows:

a) The emission units described in Sections 212.304 through 212.308 and Section 212.316 of this Subpart shall be operated under the provisions of an operating program, consistent with the requirements set forth in Sections 212.310 and 212.312 of this Subpart, and prepared by the owner or operator and submitted to the Agency for its review. Such operating program shall be designed to significantly reduce fugitive particulate matter emissions.

9. Sections 212.304(a) entitled "Storage Piles," 212.305 entitled "Conveyor Loading Operations," 212.306 entitled "Traffic Areas," and 212.308 entitled "Spraying or Choke-Feeding Required" of the Board Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.304(a), 212.305, 212.306, and 212.308, provide, in pertinent part, as follows:

212.304(a) All storage piles of materials with uncontrolled emissions of fugitive particulate matter in excess of 45.4 Mg per year (50 T/yr) which are located within a source whose potential particulate emissions from all emission units exceed 90.8 Mg/yr (100 T/yr) shall be protected by a cover or sprayed with a surfactant solution or water on a regular basis, as needed, or treated by an equivalent method, in accordance with the operating program required by Sections 212.309, 212.310 and 212.312 of this Subpart.

212.305 All conveyor loading operations to storage piles specified in

Section 212.304 of this Subpart shall utilize spray systems, telescopic chutes, stone ladders or other equivalent methods in accordance with the operating program required by Sections 212.309, 212.310 and 212.312 of this Subpart.

212.306 All normal traffic pattern access areas surrounding storage piles specified in Section 212.304 of this Subpart and all normal traffic pattern roads and parking facilities which are located on mining or manufacturing property shall be paved or treated with water, oils or chemical dust suppressants. All paved areas shall be cleaned on a regular basis. All areas treated with water, oils or chemical dust suppressants shall have the treatment applied on a regular basis, as needed, in accordance with the operating program required by Sections 212.309, 212.310 and 212.312 of this Subpart.

212.308 Crushers, grinding mills, screening operations, bucket elevators, conveyor transfer points, conveyors, bagging operations, storage bins and fine product truck and railcar loading operations shall be sprayed with water or a surfactant solution, utilize choke-feeding or be treated by an equivalent method in accordance with an operating program.

10. At all times relevant to this Complaint, the Defendant maintained normal traffic pattern roads (unimproved roads) and parking facilities at the Site as covered by Section 212.306 of the Board Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.306, thereby requiring the Defendant to operate pursuant to a fugitive particulate matter operating program in accordance with Section 212.309 of the Board Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.309.

11. Section 212.310 of the Board Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.310, provides as follows:

As a minimum the operating program shall include the following:

- a) The name and address of the source;
- b) The name and address of the owner or operator responsible for execution of the operating program;
- c) A map or diagram of the source showing approximate

- locations of storage piles, conveyor loading operations, normal traffic pattern access areas surrounding storage piles and all normal traffic patterns within the source;
- d) Location of unloading and transporting operations with pollution control equipment;
 - e) A detailed description of the best management practices utilized to achieve compliance with this Subpart, including an engineering specification of particulate collection equipment, application systems for water, oil chemicals and dust suppressants utilized and equivalent methods utilized;
 - f) Estimated frequency of application of dust suppressants by location of materials; and
 - g) Such other information as may be necessary to facilitate the Agency's review of the operating program.

12. Section 212.312 of the Board Fugitive Particulate Matter Regulations, 35 Ill.

Adm. Code 212.312, provides as follows:

The operating program shall be amended from time to time by the owner or operator so that the operating program is current. Such amendments shall be consistent with this Subpart and shall be submitted to the Agency for its review.

13. Between November 11, 1985 and September 10, 2014, the fugitive particulate matter operating program for the Site was a three-page Operating Program for Fugitive Particulate Control, a true and correct copy of which is attached hereto as Exhibit 1 (the "Fugitive Dust Plan").

14. The Fugitive Dust Plan did not, among other things, (a) provide a current map or diagram showing approximate locations of storage piles, conveyor loading operations, normal traffic pattern access areas surrounding storage piles and all normal traffic patterns within the Site; (b) provide a detailed description of the Site's best management practices; (c) set forth the estimated frequency of application of dust suppressants by location of materials; (d) indicate the location of unloading and transporting operations with pollution control equipment; (e) indicate a

person or persons in a managerial position that is responsible for ensuring that particulates are adequately controlled; and (f) delineate ways to evaluate control measures.

15. Between November 11, 1985 and September 10, 2014, the Defendant did not amend the Site's fugitive particulate matter operating program and did not submit an amended operating program to the Illinois EPA for review.

16. By failing to maintain a complete fugitive particulate matter operating program, amend the operating program to reflect current operations at the Site and submit an amended operating program to the Illinois EPA for review, the Defendant violated Sections 212.310 and 212.312 of the Board Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.310 and 212.312, and thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012).

17. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of pertinent environmental statutes and regulations will continue unless this Court grants equitable relief in the form of permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this honorable Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against the Defendant, AGRI-FINE, INC., as follows:

1. Finding that the Defendant has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Sections 212.310 and 212.312 of the Board Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.310 and 212.312;

2. Enjoining the Defendant from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Sections 212.310 and 212.312 of the Board Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.310 and 212.312;

3. Ordering the Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Sections 212.310 and 212.312 of the Board Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.310 and 212.312;

4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

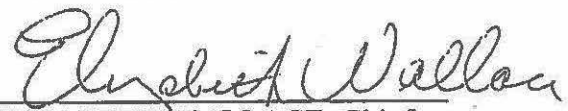
5. Ordering the Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,

ex rel. LISA MADIGAN,
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
ELIZABETH WALLACE, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:
Kathryn A. Pamenter
Assistant Attorney General
69 W. Washington Street, 18th Floor
Chicago, IL 60602
(312) 814-0608

EXHIBIT 1

STATE OF ILLINOIS
 ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF AIR POLLUTION CONTROL
 2200 CHURCHILL ROAD
 SPRINGFIELD, ILLINOIS 62706

COPY

OPERATING PROGRAM FOR FUGITIVE PARTICULATE CONTROL
REQUIRED BY RULE 203(f)(2) through (4).

1. Name of Facility: AGRI-FINE CORP.
 Street Address: 2701 E. 100TH ST.
 City: CHICAGO
 Township: _____ County: COOK Zip Code: 60617

2. Name of Owner or Operator: b(6) Privacy
 Address of Owner or Operator: 2701 E. 100TH ST.
CHICAGO, IL. 60617

3. Submit a scale map showing all storage piles, conveyor loading operations, storage pile access roads, normal traffic roads, parking facilities, location of unloading and transporting operations with pollution control equipment.

4. Do storage piles contain a total of more than 260,000 tons of material in any calendar year? Yes ☒ No

Normally storage piles of this size or greater are likely to emit 50 tons per year or more particulates.

5. If answer to item #4 is yes, please submit the following information:

a) Total amount of material in storage piles: 0 tons

b) Submit attached sheets describing:

i) Detailed operating procedures and control methods by which fugitive particulates from these storage piles will be minimized during loading, unloading, pile maintenance, and wind erosion. How often will these piles be treated with surfacting agent? Name the type and concentration of surfactant that will be used.

ii) Type of control methods used for fugitive particulate emissions from conveyor loading operations and normal traffic pattern roads serving these storage piles. If surfacting agent is used state type and concentration of surfacting agent and frequency of its use.

iii) Type of control methods used for fugitive particulate emissions from all paved or unpaved parking lots and normal traffic pattern roads at this facility. If roads are paved indicate footage of roads that will be paved and how frequently these roads will be cleaned.

6. Does this facility have any of the following sources?

For each source marked yes, attach additional sheet describing the type of control methods that will be used to control fugitive particulate emissions. If surfactant is used state the type and concentration of surfactant and frequency of its application. If the roads and parking lots are paved, state the frequency of cleaning.

- | | | |
|-------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------|
| a) Crushers | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| b) Grinding Mills | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| c) Screening Operations | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| d) Bucket Elevators | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| e) Conveyors | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| f) Conveyor transfer points | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| g) Bagging Operations | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| h) Storage Bins | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| i) Fine Product truck and trailer loading operations | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| j) Unloading and transporting operations of materials collected by pollution control equipment. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| k) Unpaved normal traffic roads | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| l) Paved normal traffic roads | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| m) Unpaved parking lots | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| n) Paved parking lots | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

7. Vehicular Miles Travel Information: This information is to be determined by number of cars times distant travel for following roads:

- i) Traffic on unpaved normal traffic roads in 5 miles per year.
 ii) Traffic on paved normal traffic roads in miles per year.
 iii) Traffic on unpaved parking lots 3 miles per year.
 iv) Traffic on paved parking lots miles per year.

8. Is this fugitive particulate control program implemented at present? (Please note that the Rule 203(f) requires that this program should be implemented by 12/31/82). ☒ Yes ☐ No

KEEP ONE COPY FOR YOUR FILES AND RETURN TWO COPIES TO: BHARAT MATHUR, MANAGER, AIR PERMITS AT ADDRESS GIVEN ON THE FIRST PAGE.

AUTHORIZED SIGNATURE(S)

BY

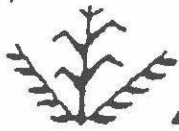
James D. Hoelzeman DATE 11-11-85

JAMES D. HOELZEMAN

TYPED OR PRINTED NAME OF SIGNER

PRESIDENT

TITLE OF SIGNER



AGRI-FINE CORP.

2701 EAST 100th ST. • CHICAGO, IL 60617

(312) 978-5130

Control method used is water, which is applied twice weekly by a fire hose.

IL EPA; FOIA Request Summary**Index of Documents**

1/14/1994	031600FDK-001	Agri-Fine	IEPA Annual Emissions Report – 1993
1/5/1995	031600FDK-002	Agri-Fine	IEPA Annual Emissions Report – 1994
1/3/1996	031600FDK-003	Agri-Fine	IEPA Annual Emissions Report – 1995
1/2/1997	031600FDK-004	Agri-Fine	IEPA Annual Emissions Report – 1996
12/3/2001	031600FDK-005	Agri-Fine	IEPA Annual Emissions Report – 2001
12/10/2002	031600FDK-006	Agri-Fine	IEPA Annual Emissions Report – 2002
12/5/2003	031600FDK-007	Agri-Fine	IEPA Annual Emissions Report – 2003
12/28/2004	031600FDK-008	Agri-Fine	IEPA Annual Emissions Report – 2004
12/13/2005	031600FDK-009	Agri-Fine	IEPA Annual Emissions Report – 2005
11/28/2006	031600FDK-010	Agri-Fine	IEPA Annual Emissions Report – 2006
12/6/2006	031600FDK-011	Agri-Fine	IEPA Annual Emissions Report – 2007
12/1/2008	031600FDK-012	Agri-Fine	IEPA Annual Emissions Report – 2008
11/30/2009	031600FDK-013	Agri-Fine	IEPA Annual Emissions Report – 2009
11/16/2010	031600FDK-014	Agri-Fine	IEPA Annual Emissions Report – 2010
11/29/2011	031600FDK-015	Agri-Fine	IEPA Annual Emissions Report – 2011
4/15/2013	031600FDK-016	Agri-Fine	IEPA Annual Emissions Report – 2012
4/17/2014	031600FDK-017	Agri-Fine	IEPA Annual Emissions Report – 2013
1996 - 2013	031600FDK-018	Agri-Fine	Document collection
2014	031600FDK-019	Agri-Fine	Investigation Reports
8/21/2014	031600FDK-020	Agri-Fine	IEPA Complaint Record
9/4/2014	031600FDK-021	Agri-Fine	IEPA Complaint Record
11/18/2014	031600FDK-022	Agri-Fine	IEPA Complaint Records and Review
1/29/2014	031600FDK-023	Agri-Fine	Correspondence - Permit Denial (Letter)
1/29/2014	031600FDK-024	Agri-Fine	Correspondence - Notice of Incompleteness
12/19/2014	031600FDK-025	Agri-Fine	Correspondence - Permit Denial (Letter)

1/2/2015	031600FDK-026	Agri-Fine	Lifetime Operating Permit
1/29/2014	031600FDK-027	Agri-Fine	Correspondence - Complete Permit Denial
Jan, May 2013	031600FDK-028	Agri-Fine	IEPA violator classification from
10/23/2013	031600FDK-029	Agri-Fine	Correspondence - Violation Notice
April, 2011	031600FDK-030	Agri-Fine	Correspondence - Email for information request
6/15/2012	031600FDK-031	Agri-Fine	Invoice - Annual Site Fee 2012
6/15/2013	031600FDK-032	Agri-Fine	Invoice - Annual Site Fee 2013
6/15/2014	031600FDK-033	Agri-Fine	Invoice - Annual Site Fee 2014
3/4/2015	31600FDK exempt	IEPA	Exempt Document List
IL EPA FOIA Production - March 4, 2015			
1/14/1994	031600FDK-001	Agri-Fine	IEPA Annual Emissions Report – 1993
<ul style="list-style-type: none"> • 3 Page Document, Report received April 29, 1994, Documenting Allowable, IEPA Estimate, and Source Emissions from Agri-Fine's facility for 1993 • Emissions reported are CO, NOX, and SO2 • Includes previous year's data; however, zeros are show in all categories – probably unreported • 1993 Source data not filled in – further documents indicate IEPA estimated data was used instead • Page three lists two operating permits. Veg. Oil Acidulation permit marked Denied, Soybean Soapstock acidulation permit expires 6/5/96 			
1/5/1995	031600FDK-002	Agri-Fine	IEPA Annual Emissions Report – 1994
<ul style="list-style-type: none"> • Report received Feb 14, 1995; Documents source emissions for 1994 • Report indicates same pollutants as above, still under the allowable rates • 1994 emissions number exactly the same in tons per year as in 1993 • Same permits listed on third page 			
1/3/1996	031600FDK-003	Agri-Fine	IEPA Annual Emissions Report – 1995
<ul style="list-style-type: none"> • Report received March 5, 1996; Documents source emissions for 1995 • Report indicates same pollutants as above, still under the allowable rates • 1995 emissions number exactly the same in tons per year as previous years • Permit page missing 			

1/2/1997	031600FDK-004	Agri-Fine	IEPA Annual Emissions Report – 1996
<ul style="list-style-type: none"> • Report received April 25, 1997; Documents source emissions for 1996 • 1996 estimates missing, exact same source numbers as previous years • Same permits listed; however, expiration date on granted permit is removed • Fourth page: letter from Agri-Fine in re permit/1986 permit application 			
12/3/2001	031600FDK-005	Agri-Fine	IEPA Annual Emissions Report – 2001
<ul style="list-style-type: none"> • Report received May 1, 2002; Documents source emissions for 2001 • CO, NOX, SO2 emissions for 2001 and 2002 still exactly the same as previous reports • Added reporting for PART, PM10, and VOM; marked n/a for 2002 • Equipment listings added to report • Change in Soybean Soapstock Acidulation permit from 'operating' to 'lifetime' 			
12/10/2002	031600FDK-006	Agri-Fine	IEPA Annual Emissions Report – 2002
<ul style="list-style-type: none"> • Report received May 1, 2003; Documents source emissions for 2002 • All previous emissions still the same • Added reporting for NH3 • Emissions remain under designated limits 			
12/5/2003	031600FDK-007	Agri-Fine	IEPA Annual Emissions Report – 2003
<ul style="list-style-type: none"> • Received April 30, 2004 • All previous emission numbers the same • Emissions remain under designated limits 			
12/28/2004	031600FDK-008	Agri-Fine	IEPA Annual Emissions Report – 2004
<ul style="list-style-type: none"> • Received April 14, 2005 • Added reporting for H2S and PM2.5 • Source report matches IEPA estimates exactly for each pollutant except CO – one decimal place off • CO emission limit increased. • Emissions under designated limits 			
12/13/2005	031600FDK-009	Agri-Fine	IEPA Annual Emissions Report – 2005
<ul style="list-style-type: none"> • Received February 6, 2006 • Report and IEPA estimation again exactly the same (same CO discrepancy as 009) 			

<ul style="list-style-type: none"> Emissions under designated limits 			
11/28/2006	031600FDK-010	Agri-Fine	IEPA Annual Emissions Report – 2006
<ul style="list-style-type: none"> Received April 16, 2007 The source report numbers have changed! Each is under IEPA estimates, but by small increments and close to the old number Emissions remain under designated limits 			
12/6/2006	031600FDK-011	Agri-Fine	IEPA Annual Emissions Report – 2007
<ul style="list-style-type: none"> Received August 4, 2008 Added CO₂, Methane, and N₂O to report; marked N/A, future report used estimate Again, small shift in source reports; also, the particle emissions entry for 2006 do not match up with the last report Emissions remain under designated limits 			
12/1/2008	031600FDK-012	Agri-Fine	IEPA Annual Emissions Report – 2008
<ul style="list-style-type: none"> Received July 23, 2009 Still marked N/A for CO₂, Methane and N₂O Emissions remain under designated limits 			
11/30/2009	031600FDK-013	Agri-Fine	IEPA Annual Emissions Report – 2009
<ul style="list-style-type: none"> Received May 3, 2010 Similar to last report Acidulation tanks and steam generators added to equipment list Emissions reported for 2008 remain under designated limits 			
11/16/2010	031600FDK-014	Agri-Fine	IEPA Annual Emissions Report – 2010
<ul style="list-style-type: none"> Received stamp date illegible Similar to last report Emissions reported for 2009 remain under designated limits 			
11/29/2011	031600FDK-015	Agri-Fine	IEPA Annual Emissions Report – 2011
<ul style="list-style-type: none"> Received June 14, 2012 Emissions reported for 2010 remain under designated limits 			
4/15/2013	031600FDK-016	Agri-Fine	IEPA Annual Emissions Report – 2012

<ul style="list-style-type: none"> Received June 11, 2013 Emissions reported for 2011 are in excess of allowable limits for CO (18% over), H2S (280% over), NH3 (1167% over), and VOM (2,445% over) 			
1/15/2013 (?)	031600FDK-017	Agri-Fine	IEPA Annual Emissions Report – 2013
<ul style="list-style-type: none"> Received April 25, 2014 15 pages; documentation includes fuel consumption data, scrubber emissions, monthly emissions breakdown, and quarterly soapstock production Emissions reported for 2012 are in excess of allowable limits for CO (57% over), H2S (288% over) and VOM emissions 			
1996 - 2013	031600FDK-018	Agri-Fine	Document Collection
<ul style="list-style-type: none"> 28 Page document, including: Tier II Inspection and report, Inspected May 24, 2013 <ul style="list-style-type: none"> Description of Soapstock Production states 'City of Chicago took Agri-Fine to court' Open storage system showed evaporation and odor. No permit application in 2007, for new boilers. No permit application for new fiberglass vats. citing recommendation (9(a)) Violated emissions of H2S Investigator's intra-agency recommendation 4 recorded complaints <ul style="list-style-type: none"> Odors (Putrid, foul) E-mail in re: complaints 6 annotated images of facility (From inside facility) EPA region 5 request for information from Agri-Fine (1/27/2011) Department of Health Inspector's Narrative (4/17/2013) <ul style="list-style-type: none"> Foul Odor issued 7/28/080 nuisance and atmospheric pollution (for odor) Permit to operate both boilers dated May 10, 1996 			
2014	031600FDK-019	Agri-Fine	Investigation Reports
<ul style="list-style-type: none"> 23 Page Document including: Tier II inspection, dated June 3, 2014; Includes 'Odor Surveillance' <ul style="list-style-type: none"> pH adjusted before sewer disposal "strong, putrid odor"; "Nasty"; "Bad Odor"; "Pungent" Odor summary table 11 "mister pipes" spraying mist Previous Agri-Fine contact handling odor reduction, no longer is employed 			

<ul style="list-style-type: none"> Investigator's recommendations <ul style="list-style-type: none"> Recommended 9(a) violation IEPA complaint and incident record <ul style="list-style-type: none"> smells like a "slaughterhouse or animal processing" Weather history records for day(s) of investigations Photos from surrounding area 			
8/21/2014	031600FDK-020	Agri-Fine	IEPA Complaint Record
<ul style="list-style-type: none"> One page incident report, in re: odor <ul style="list-style-type: none"> "foul, putrid odor"; "affects our community" Reviewed Nov 17, 2014 			
9/4/2014	031600FDK-021	Agri-Fine	IEPA Complaint Record
<ul style="list-style-type: none"> One page incident report, in re: odor Reviewed Nov 17, 2014 			
11/18/2014	031600FDK-022	Agri-Fine	IEPA Complaint Records and Review
<ul style="list-style-type: none"> 3 detailed incident reports, incidents ranging from August to October of 2014 <ul style="list-style-type: none"> "VOMIT" "smells like FECES"; "I thought my dog pooped in my house!" "Can't go outside because the odor is very bad." Final disposition: referred to AGO 			
1/29/2014	031600FDK-023	Agri-Fine	Correspondence - Permit Denial (Letter)
<ul style="list-style-type: none"> IEPA construction application permit denial <ul style="list-style-type: none"> due to possible 35 Ill. Adm. Code 201.142 violation 			
1/29/2014	031600FDK-024	Agri-Fine	Correspondence - Notice of Incompleteness
<ul style="list-style-type: none"> IEPA letter requesting more information from Agri-Fine in re: operating permit for boilers Incomplete pursuant to 35 Ill. Adm. Code 201.158 <ul style="list-style-type: none"> 201.157 201.160 201.169 			
12/19/2014	031600FDK-025	Agri-Fine	Correspondence - Permit Denial (Letter)

<ul style="list-style-type: none"> • IEPA construction application permit denial <ul style="list-style-type: none"> ◦ possible 35 Ill. Adm. Code 201.142 violation 			
1/2/2015	031600FDK-026	Agri-Fine	Lifetime Operating Permit
<ul style="list-style-type: none"> • Outlines conditions for operation of Scrubber, 24 vats, 2 natural gas boilers, and 2 sulfuric acid tanks in relation to soapstock acidulation • Increases Tons of emission per year rate with regards to H2S, SO2 and VOM • Issued January 2, 2015. I.D. # 031600FDK <ul style="list-style-type: none"> ◦ Small industrial; 40 CFR 60 (A) & (Dc) ◦ Soapstock Limits <ul style="list-style-type: none"> ▪ Hydrogen Sulfide (H2S) = .79 (lbs/hr) or 6.92 (Tons/Yr) ▪ Sulfur Dioxide (SO2) = .063 (lbs/hr) or .56 (Tons/Yr) ▪ Volatile Organic Material (VOM) = 1.92 (lbs/hr) or 16.32 (Tons/Yr) ◦ Natural Gas emission Limits <ul style="list-style-type: none"> ▪ Carbon Monoxide (CO) = 84 (lbs/hr) or 8.76 (Tons/Yr) ▪ Nitrogen Oxides (NOx) = 100 (lbs/hr) or 10.42 (Tons/Yr) ▪ Particulate Matter (PM) = 7.6 (lbs/hr) or .79 (Tons/Yr) ▪ Sulfur Dioxide (SO2) = .6 (lbs/hr) or .06 (Tons/Yr) ▪ Volatile Organic Material (VOM) = 5.5 (lbs/hr) or .57 (Tons/Yr) ◦ 34 Storage tanks are exempt, pursuant to 35 Ill. Adm. Code 201.146(n)(2) ◦ Includes 24 process vessels & two 11.9 mmBtu/hr natural gas fired steam generators. 			
1/29/2014	031600FDK-027	Agri-Fine	Correspondence - Complete Permit Denial
<ul style="list-style-type: none"> • 13 pages, consisting of: • Permit Denial <ul style="list-style-type: none"> ◦ 35 Ill. Adm. Code 201.142 possible violation • Permit Application review/worksheet • Notice of Violation of Illinois Environmental Protection Act to Agri-fine stamped Oct 23, 2013 <ul style="list-style-type: none"> ◦ 425 ILCS 5/31(a)(1) violation • 9 Violations listed <ul style="list-style-type: none"> ◦ emissions of odor ◦ failed to obtain construction permits for 2 boilers ◦ failed to register for the Smaller Sources program (ROSS) ◦ failed to pay construction permit ◦ failed to obtain operating permit ◦ exceeded emissions of H2S ◦ failed to notify anticipated startup of boilers ◦ failed to submit annual and quarterly reports ◦ failed to document and maintain records 			

Jan, May 2013	031600FDK-028	Agri-Fine	IEPA violator classification from
<ul style="list-style-type: none"> Identifies Agri-Fine as 1b class violator for NSPS boilers and exceeding emissions Notice of violations to Agri-Fine. 			
10/23/2013	031600FDK-029	Agri-Fine	Correspondence - Violation Notice
<ul style="list-style-type: none"> IEPA violation notice to Agri-Fine Violations <ul style="list-style-type: none"> release of odor failure to obtain construction permit failure to register Smaller Sources program (ROSS) failure to pay construction permit failure to obtain an operation permit exceeding emissions limits (H2S) Failure to submit construction/startup notification failure to submit annual/quarterly reports failed to document and maintain required records (35 Ill. Adm. Code 212.31(g)(2)) Recommendations to IEPA 			
april, 2011	031600FDK-030	Agri-Fine	Correspondence - Email for Information request
<ul style="list-style-type: none"> E-mail and letter in re: intent to test Andrew Rubio (Agri-Fine) notifies IEPA of finalizing details of compliance test protocol 			
6/15/2012	031600FDK-031	Agri-Fine	Invoice - Annual Site Fee 2012
<ul style="list-style-type: none"> Letter to Agri-Fine in re: Air Pollution Control fee invoice 			
6/15/2013	031600FDK-032	Agri-Fine	Invoice - Annual Site Fee 2013
<ul style="list-style-type: none"> Letter to Agri-Fine in re: Air Pollution Control fee invoice 			
6/15/2014	031600FDK-033	Agri-Fine	Invoice - Annual Site Fee 2014
<ul style="list-style-type: none"> Letter to Agri-Fine in re: Air Pollution Control fee invoice 			

Harrison, Brenda

From: Clark, Renee
Sent: Thursday, October 22, 2015 1:18 PM
To: Covington, Jeryl
Cc: Harrison, Brenda
Subject: FW: Form submission from: Civil Rights Contact Us About Civil Rights form

Received via the OCR website. Please handle as appropriate.

-----Original Message-----

From: drupal_admin@epa.gov [mailto:drupal_admin@epa.gov]
Sent: Thursday, October 22, 2015 8:55 AM
To: Clark, Renee <Clark.Renee@epa.gov>
Subject: Form submission from: Civil Rights Contact Us About Civil Rights form

Submitted on 10/22/2015 8:54AM

Submitted values are:

Name: Ex. 6, 7c

Email: Ex. 6, 7c

Comments:

United States Environmental Protection Agency Office of Civil Rights (1201A)
1200 Pennsylvania Ave NW
Washington, DC 20460

Community

Vs

New Jersey Department of Education

Trenton School District

New Jersey Department of Community Affairs City of Trenton

In October of 2014, the Trenton Board of Education voted unanimously to demolish Trenton Central High School. On or about April 1, 2015, preconstruction activities began at Trenton Central High School. These preconstruction activities included, but not limited to: demolition, remediation and site investigation. The Trenton School District and Jersey Department of Education failed to adhere to State regulations regarding demolition and preconstruction activities. For example, preconstruction activities cannot begin until a School District has an approved Long-range facilities plan. Preconstruction activities began at TCHS although the LRFP was not approved until June 1, 2015 in violation of (NJAC 6A:26-3.9b.) The

2007 LRFP expired in 2012. In addition, the Trenton School District failed to close 400 Chamber St. pursuant to (NJAC 6A:26-7.5). The Trenton School District as the owner of 400 Chamber St, has refuse to hire a project manager with a background specifically in construction, environmental remediation, and architecture to oversee the activities of the contractor hired by the Jersey Schools Development Authority (SDA), in an unbiased manner.

On or about May 8, 2015, the New Jersey Department of Environmental Protection (DEP) provided conditional approval to commence demolition activities. The DEP noted that a licensed site remediation professional was not on site. The DEP also detected high-levels of contamination at this site.

An Environmental Assessment report was completed for 400 Chambers St.

However, the report was falsified.

Thus far, various wings have been demolished at Trenton Central High School.

The "A" and "D" wings remain standing. The New Jersey Department of Community Affairs has issued demolition permits. However, the "A" and "D" wings are also slated for demolition, although the remediation remains incomplete. The B, C, E, and F wings have already been demolished although remediation was not finished. Air monitors were installed at 400 Chambers Street. However, these air monitors were defective and manipulated by the contractor to prevent an accurate reporting of air quality. The City of Trenton has "shut off water" at 400 Chambers St. which has allowed the demolition contractor to be eligible to apply for a demolition permit. The City of Trenton also "shut off" water although the Trenton School District, failed to officially close Trenton Central High School in accordance with State regulations.

On or about September 11, 2015, dust, asbestos and other harmful chemicals were released into the air. The contractor has been observed "knowingly"

releasing contamination into the air (see video).

<https://m.youtube.com/watch?v=14uvCojtSg8>

Pedestrians have experienced respiratory problems walking down Chambers St.

Residents have complained of sickness. Students using athletic fields have complained of respiratory problems. Visitors at Saint Francis Hospital have complained of air pollution. Residents have also complained about the ground shaking.

On or about October 15, 2015, the Trenton School District, City of Trenton, New Jersey Department of Environmental Protection, and New Jersey Department of Environmental Protection was notified about the environmental problems and violations at 400 Chamber St. On or about 9/15/15, the New Jersey State Ethics Commission, New Jersey Board of Examiners, New Jersey Schools Ethics Commission, New Jersey State Board of Examiners, and the New Jersey Office of Attorney Ethics was been notified to report the ethical violations and hold various individuals accountable.

According to the New Jersey Department of Education, the ethnic breakdown of students at Trenton Central High School is 49.7% Black and 47.6% Hispanic

(2013-2014 School Year). According to the United States Census, the ethnic breakdown for the City of Trenton is 33.7% Hispanic and 52% Black.

The failure of the New Jersey Department of Environmental Protection, Trenton School District, New Jersey Department of Community Affairs, City of Trenton, New Jersey Department of Education to protect the environment will have an adverse impact on the environment, in violation of the Clean Air Act and Title VI of the Civil Rights Act of 1964, as amended.

Web Area: Civil Rights

July 10, 2015

EPA Information Office,

Sincerely the EPA is aware of the Bed Bug Crisis that now exists. The bug situation is now in the epidemic stage. With HHT removed from the market and nothing to replace it's removal the infestation is growing by leaps and bounds.

My daughter is infested with the bugs brought in her home by a visitor. She has spent lots of money buying spray and Powders without any success. She has also spent money going to the doctor for help in getting medication for the horrible Pain and itching.

If EPA doesn't have a known product for the head bugs I hope they see fit to approve a product or research for a product to forever rid these bugs.

I would appreciate a reply and hopefully you will have a solution for the problem, and that a person can afford to purchase.

Sincerely,

JUL 21 2015

Ex. 6, 7c

Broken Arrow, OK 7/10/15

Phone: Ex. 6, 7c

From: Ex. 6, 7c
To: [Title VI Complaints](#)
Subject: Double Tree Hilton
Date: Wednesday, August 12, 2015 6:46:23 AM

I stayed at the Double Tree Hilton in Sacramento Ca. a few months ago. The room smelt heavily of mold. I left a review with them online telling my experience. The bathroom was the problem area. There were no fans or windows or vent in bathroom for air circulation. They did not reply to my complaint. This did not impress me and it seems they are willing to harm people for profit. Not sure how much damage was done to my lungs. So I called and spoke with manager who blamed it on the clean up crew. This had nothing to do with the clean up crew in my eyes. To me there was obviously not enough air flow in the bathroom. They refunded my money but have not informed me of further action they have taken to fix the problem. Big company with bad care for people. Please investigate. I believe it was room 1210, but they have my records with my name under for accuracy. Please let me know if you want further information from me.
Thank you,

Ex. 6, 7c

From: Covington, Jeryl
To: [Peterson, Samuel](#)
Cc: [Yon, William](#); [Stein, Jonathan](#)
Subject: FW:
Date: Tuesday, August 25, 2015 9:51:00 PM

Please document this as a concern/complaint. I will assign to Yon to address.

We will respond via email with an attached copy of the correspondence .pdf.

From: Johnson, J
Sent: Tuesday, August 25, 2015 8:05 AM
To: Covington, Jeryl
Subject: RE:

Good morning Ms. Covington,

FYI. Not sure where **Ex. 6, 7c** got my name but from his email I don't think Title VII is who he meant to reach out to.

I'll return a note to him letting him know I've forwarded his email to the external complaints branch

j.

J. Johnson
Employment Complaints Resolution Staff
Office of Civil Rights (OCR)
Environmental Protection Agency
WJC North, Room 2450J
Washington, DC 20460
johnson.j@epa.gov
202-564-7047 - voice
202-501-1836 - fax

From: Ex. 6, 7c
Sent: Saturday, August 22, 2015 11:30 AM
To: Johnson, J
Subject:

You have a company in the state of north Carolina name pipe master operating ac installed

and not properly following proper line of install ..1 working with in certified employee 2
improper use of freon 3there is no reclaim equipment on none of the job forcing the imployee
to vent freon into the air wen working ...you just had a visit with them do to silica at the white
furniture site in mebane NC they are also using the same practice on the site in Danville Va at
the Davis tobacco job on craghead street ..and the reason I'm telling u this is because they are
putting good people jobs at risk with know regarded for people live

From: Jean Francisco Ex. 6, 7c

Subject: Alexandria/Pineville La

To: "Golightlyhowell.velveta@epa.gov"

<Golightlyhowell.velveta@epa.gov>

Date: Sunday, August 23, 2015, 7:38 PM

Dear Mrs. Velveta,

My name is Ex. 6, 7c My family moved to Ex. 6, 7c . Little did my parents knew they had moved the family between 2 creosote facilities. The community has been picked by Gina McCarthy as a community for the Sustainability Initiative Project, Making a Visible Difference. Many residents, friends and neighbors have and still sick and dying from creosote contamination and chemicals related diseases. This have been happening for years. Everyone here is afraid > of the owner Roy O. Martin.

b(6) Privacy

There are 2 superfund sites and 17 schools within a 2 mile radius. I have been working with the EPA and we need your help. I believe that our civil rights have been violated for years.

This community is predominantly black and always have. The owner of these plants has said no one is going to do him anything. He owns the town. We need your help for this generation and for generations to come.

Thank you in advance for any help you can provide.

Respectfully, Ex. 6, 7c

Ex. 6, 7c

Alexandria, La. 71302

Ph# Ex. 6, 7c or Ex. 6, 7c

>

> Sent

> from Yahoo Mail on

> Android